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A TREATY OF PEACE BETWEEN THE UNITED STATES AND SPAIN.

MESSAGE

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1898

FROM THE

PRESIDENT OF THE UNITED STATES,

TRANSMITTING

A TREATY OF PEACE BETWEEN THE UNITED STATES AND SPAIN, SIGNED AT THE CITY OF PARIS, ON DECEMBER 10, 1898.

ACCOMPANYING PAPERS.

JANUARY 4, 1899.—Read; treaty read the first time and referred to the Committee on Foreign Relations, and, together with the Message and accompanying papers, ordered to be printed in confidence for the use of the Senate.

WASHINGTON:
GOVERNMENT PRINTING OFFICE.
1899.

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LIST OF PAPERS.

1. Treaty of Peace of December 10, 1898.
2. Protocols of the conferences at Paris (1 to 22).
3. Peace protocol of August 12, 1898, and correspondence.
4. Correspondence between the Department of State and the Embassy of France, at Washington, as representing the interests of Spain.
5. Consular reports on Philippine affairs.
6. Statement of Maj. Gen. Wesley Merritt, U. S. A., October 4, 1898, before the United States Peace Commission at Paris, and accompanying papers.
7. Memoranda concerning the situation in the Philippines, by Maj. Gen. F. V. Greene, U. S. V., and accompanying papers.
8. Statement of Mr. John Foreman, October 8, 1898, before the United States Peace Commission at Paris.
9. Statement of Commander R. B. Bradford, U. S. N., October 14, 1898, before the United States Peace Commission at Paris.
10. Statement of Gen. Charles A. Whittier, U. S. V., before the United States Peace Commission at Paris.
11. Preliminary report of Dr. George F. Becker, of the United States Geological Survey, on the geological and mineral resources of the Philippines.
12. Data concerning the Philippine Islands: Their history, people, geography, geology, resources, and strategic importance.
13. A sketch of the economic condition of the Philippines, by Max L. Tornow.
14. Protectorates, Colonies, and nonsovereign States.
15. The Federated Malay States: A sketch of their growth and political organization, by Francis B. Forbes.

TREATY OF PEACE OF DECEMBER 10, 1898.

The United States of America and Her Majesty the Queen Regent of Spain, in the Name of Her August Son Don Alfonso XIII, desiring to end the state of war now existing between the two countries, have for that purpose appointed as Plenipotentiaries:

The President of the United States,

William R. Day, Cushman K. Davis, William P. Frye, George Gray, and Whitelaw Reid, citizens of the United States;

And Her Majesty the Queen Regent of Spain,

Don Eugenio Montero Ríos, President of the Senate, Don Buenaventura de Abarzuza, Senator of the Kingdom and ex-Minister of the Crown, Don José de Garnica, Deputy to the Cortes and Associate Justice of the Supreme Court; Don Wenceslao Ramirez de Villa-Urrutia, Envoy Extraordinary and Minister Plenipotentiary at Brussels, and Don Rafael Cerero, General of Division:

Who, having assembled in Paris, and having exchanged their full powers, which were found to be in due and proper form, have, after discussion of the matters before them, agreed upon the following articles:

Article I.

Spain relinquishes all claim of sovereignty over and title to Cuba.

And as the island is, upon its evacuation by Spain, to be occu-

Los Estados Unidos de America y S. M. la Reina Regente de España, en Nombre de su Augusto Hijo Don Alfonso XIII, deseando poner término al estado de guerra hoy existente entre ambas Naciones, han nombrado con este objeto por sus Plenipotenciaros, á saber:

El Presidente de los Estados Unidos de America á

William R. Day, Cushman K. Davis, William P. Frye, George Gray, y Whitelaw Reid, ciudadanos de los Estados Unidos;

Y su Majestad la Reina Regente de España, á

Don Eugenio Montero Ríos, Presidente del Senado. Don Buenaventura de Abarzuza Senador del Reino, Ministro que ha sido de la Corona, Don José de Garnica, Diputado á Cortes, Magistrado del Tribunal supremo, Don Wenceslao Ramirez de Villa-Urrutia, Enviado Extraordinario y Ministro plenipotenciairo en Bruselas; y Don Rafael Cerero, General de división,

Los cuales reunidos en Paris, después de haberse comunicado sus plenos poderes que fueron hallados en buena y debida forma, y previa la discussión de las materias pendientes, han convenido en los siguientes artículos:

Artículo I.

España renuncia todo derecho de soberanía y propiedad sobre Cuba.

En atención á que dicha isla, cuando sua evacuada por España,

pied by the United States, the United States will, so long as such occupation shall last, assume and discharge the obligations that may under international law result from the fact of its occupation, for the protection of life and property.

ARTICLE II.

Spain cedes to the United States the island of Porto Rico and other islands now under Spanish sovereignty in the West Indies, and the island of Guam in the Marianas or Ladrones.

ARTICLE III.

Spain cedes to the United States the archipelago known as the Philippine Islands, and comprehending the islands lying within the following line:

A line running from west to east along or near the twentieth parallel of north latitude, and through the middle of the navigable channel of Bachi, from the one hundred and eighteenth (118th) to the one hundred and twenty seventh (127th) degree meridian of longitude east of Greenwich, thence along the one hundred and twenty seventh (127th) degree meridian of longitude east of Greenwich to the parallel of four degrees and forty five minutes (4° 45′) north latitude, thence along the parallel of four degrees and forty five minutes (4° 45′) north latitude to its intersection with the meridian of longitude one hundred and nineteen degrees and thirty five minutes (119° 35′) east of Greenwich, thence along the meridian of longitude one hundred and nineteen degrees and thirty five minutes (119° 35′) east of Greenwich to the parallel of latitude seven degrees and forty minutes (7° 40′) north, thence along the parallel of latitude seven degrees and forty minutes (7° 40′) north to its intersection with the one hundred and six-

va á ser ocupada por los Estados Unidos, los Estados Unidos mientras dure su ocupación, tomarán sobre sí y cumplirán las obligaciones que por el hecho de ocuparla, les impone el Derecho Internacional, para la protección de vidas y haciendas.

ARTÍCULO II.

España cede á los Estados Unidos la Isla de Puerto Rico y las demás que están ahora bajo su soberanía en las Indias Occidentales, y la Isla de Guam en el Archipiélago de las Marianas ó Ladrones.

ARTÍCULO III.

España cede á los Estados Unidos el archiepiélago conocido por Islas Filipinas, que comprende las islas situadas dentro de las líneas siguientes:

Una línea que corre de Oeste á Este, cerca del 20° paralelo de latitud Norte, á través de la mitad del canal navegable de Bachi, desde el 118° al 127° grados de longitud Este de Greenwich; de aquí á lo largo del ciento veintisiete (127) grado meridiano de longitud Este de Greenwich al paralelo cuatro grados cuarenta y cinco minutos (4° 45′) de latitud Norte; de aquí siguiendo el paralelo de cuatro grados cuarenta y cinco minutos de latitud Norte (4° 45′) hasta su intersección con el meridiano de longitud ciento diez y nueve grados y treinta y cinco minutos (119° 35′) Este de Greenwich; de aquí siguiendo el meridiano de longitud ciento diez y nueve grados y treinta y cinco minutos (119° 35′) Este de Greenwich, al paralelo de latitud siete grados cuarenta minutos (7° 40′) Norte; de aquí siguiendo el paralelo de latitud siete grados cuaranta minutos (7° 40′) Norte, á su intersección con el ciento diez y seis (116°) grado meridiano de longitud Este de Greenwich, de aquí por una línea recta, á la intersección del décimo grado

teenth (116th) degree meridian of longitude east of Greenwich, thence by a direct line to the intersection of the tenth (10th) degree parallel of north latitude with the one hundred and eighteenth (118th) degree meridian of longitude east of Greenwich, and thence along the one hundred and eighteenth (118th) degree meridian of longitude east of Greenwich to the point of beginning.

paralelo de latitud Norte, con el ciento diez y ocho (118°) grado meridiano de longitud Este de Greenwich, y de aquí siguiendo el ciento diez y ocho grado (118°) meridiano de longitud Este de Greenwich, al punto en que comienza esta demarcación.

The United States will pay to Spain the sum of twenty million dollars ($20,000,000), within three months after the exchange of the ratifications of the present treaty.

Los Estados Unidos pagarán á España la suma de veinte millones de dollars ($20,000,000) dentro de los tres meses después del canje de ratificaciones del presente tratado.

Article IV.

The United States will, for the term of ten years from the date of the exchange of the ratifications of the present treaty, admit Spanish ships and merchandise to the ports of the Philippine Islands on the same terms as ships and merchandise of the United States.

Artículo IV.

Los Estados Unidos durante el término de diez años á contar desde el canje de la ratificación del presente tratado, admitirán en los puertos de las Islas Filipinas los buques y las mercancías españoles, bajo las mismas condiciones que los buques y las mercancías de los Estados Unidos.

Article V.

The United States will, upon the signature of the present treaty, send back to Spain, at its own cost the Spanish soldiers taken as prisoners of war on the capture of Manila by the American forces. The arms of the soldiers in question shall be restored to them.

Spain will, upon the exchange of the ratifications of the present treaty, proceed to evacuate the Philippines, as well as the island of Guam, on terms similar to those agreed upon by the Commissioners appointed to arrange for the evacuation of Porto Rico and other islands in the West Indies, under the Protocol of August 12, 1898, which is to continue in force till its provisions are completely executed.

The time within which the evacuation of the Philippine Islands and Guam shall be completed shall be fixed by the two Governments.

Artículo V.

Los Estados Unidos, al ser firmado el presente tratado, trasportarán á España, á su costa, los soldados españoles que hicieron prisioneros de guerra las fuerzas Americanas al ser capturada Manila. Las armas de estos soldados les serán devueltas.

España, al canjearse las ratificaciones del presente tratado, procederá á evacuar las Islas Filipinas, así como la de Guam, en condiciones semejantes á las acordadas por las Comisiones nombradas para concertar la evacuacion de Puerto Rico y otras Islas en las Antillas Occidentales, según el Protocolo de 12 de Agosto de 1898, que continuará en vigor hasta que sean completamente cumplidas sus disposiciones.

El término dentro del cual será completada la evacuación de las Islas Filipinas y la de Guam, será fijado por ambos Gobiernos. Serán

Stands of colors, uncaptured war vessels, small arms, guns of all calibres, with their carriages and accessories, powder, ammunition, livestock, and materials and supplies of all kinds, belonging to the land and naval forces of Spain in the Philippines and Guam, remain the property of Spain. Pieces of heavy ordnance, exclusive of field artillery, in the fortifications and coast defences, shall remain in their emplacements for the term of six months, to be reckoned from the exchange of ratifications of the treaty; and the United States may, in the mean time, purchase such material from Spain, if a satisfactory agreement between the two Governments on the subject shall be reached.

ARTICLE VI.

Spain will, upon the signature of the present treaty, release all prisoners of war, and all persons detained or imprisoned for political offences, in connection with the insurrections in Cuba and the Philippines and the war with the United States.

Reciprocally, the United States will release all persons made prisoners of war by the American forces, and will undertake to obtain the release of all Spanish prisoners in the hands of the insurgents in Cuba and the Philippines.

The Government of the United States will at its own cost return to Spain and the Government of Spain will at its own cost return to the United States, Cuba, Porto Rico, and the Philippines, according to the situation of their respective homes, prisoners released or caused to be released by them, respectively, under this article.

ARTICLE VII.

The United States and Spain mutually relinquish all claims for indemnity, national and individ-

propiedad de España banderas y estandartes, buques de guerra no apresados, armas portátiles, cañones de todos calibres con sus montajes y accesorios, pólvoras, municiones, ganado, material y efectos de toda clase pertenecientes á los ejércitos de mar y tierra de España en las Filipinas y Guam. Las piezas de grueso calibre, que no sean artillería de campaña, colocadas en las fortificaciones y en las costas, quedarán en sus emplazamentos por el plazo de seis meses á partir del canje de ratificaciones del presente tratado, y los Estados Unidos podrán, durante ese tiempo, comprará España dicho material, si ambos Gobiernos llegan á un acuerdo satisfactorio sobre el particular.

ARTÍCULO VI.

España al ser firmado el presente tratado, pondrá en libertad á todos los prisioneros de guerra y á todos los detenidos ó presos por delitos políticos á consecuencia de las insurrecciones en Cuba y en Filipinas y de la guerra con los Estados Unidos.

Recíprocamente, los Estados Unidos pondrán en libertad á todos los prisioneros de guerra hechos por las fuerzas Americanas, y gestionarán la libertad de todos los prisioneros españoles en poder de los insurrectos de Cuba y Filipinas.

El Gobierno de los Estados Unidos trasportará, por su cuenta á España, y el Gobierno de España trasportará por su cuenta á los Estados Unidos, Cuba, Puerto Rico y Filipinas, con arreglo á la situación de sus respectivos hogares, los prisioneros que pongan ó que hagan poner en libertad respectivamente, en virtud de este Artículo.

ARTÍCULO VII.

España y los Estados Unidos de América renuncian mutuamente, por el presente tratado, á toda rec-

ual, of every kind, of either Government, or of its citizens or subjects, against the other Government, that may have arisen since the beginning of the late insurrection in Cuba and prior to the exchange of ratifications of the present treaty, including all claims for indemnity for the cost of the war.

The United States will adjudicate and settle the claims of its citizens against Spain relinquished in this article.

ARTICLE VIII.

In conformity with the provisions of Articles I, II, and III of this treaty, Spain relinquishes in Cuba, and cedes in Porto Rico and other islands in the West Indies, in the island of Guam, and in the Philippine Archipelago, all the buildings, wharves, barracks, forts, structures, public highways and other immovable property which, in conformity with law, belong to the public domain, and as such belong to the Crown of Spain.

And it is hereby declared that the relinquishment or cession, as the case may be, to which the preceding paragraph refers, cannot in any respect impair the property or rights which by law belong to the peaceful possession of property of all kinds, of provinces, municipalities, public or private establishments, ecclesiastical or civic bodies, or any other associations having legal capacity to acquire and possess property in the aforesaid territories renounced or ceded, or of private individuals, of whatsoever nationality such individuals may be.

The aforesaid relinquishment or cession, as the case may be, includes all documents exclusively referring to the sovereignty relinquished or ceded that may exist in the archives of the Peninsula. Where any document in such archives only

lamación de indemnización nacional ó privada de cualquier género de un Gobierno contra el otro, ó de sus súbditos ó ciudadanos contra el otro Gobierno, que pueda haber surgido desde el comienzo de la última insurrección en Cuba y sea anterior al canje de ratificaciones del presente tratado, así como á toda indemnización en concepto de gastos ocasionados por la guerra.

Los Estados Unidos juzgarán y resolverán las reclamaciones de sus ciudadanos contra España, á que renuncia en este artículo.

ARTÍCULO VIII.

En cumplimiento de lo convenido en los Artículos I, II y III de este tratado, España renuncia en Cuba y cede en Puerto Rico y en las otras islas de las Indias Occidentales, en la Isla de Guam y en el Archipiélago de las Filipinas, todos los edificios, muelles, cuarteles, fortalezas, establecimientos, vías públicas y demás bienes inmuebles que con arreglo á derecho son del dominio público, y como tal corresponden á la Corona de España.

Queda por lo tanto declarado que esta renuncia ó cesión, según el caso, á que se refiere el párrafo anterior, en nada puede mermar la propiedad, ó los derechos que correspondan, con arreglo á las leyes, al poseedor pacífico, de los bienes de todas clases de las provincias, municipios, establecimientos públicos ó privados, corporaciones civiles ó eclesiasticas, ó de cualesquiera otras colectividades que tienen personalidad jurídica para adquirir y poseer bienes en los mencionados territorios renunciado ó cedidos, y los de los individuos particulares, cualquiera que sea su nacionalidad.

Dicha renuncia ó cesión, según el caso, incluye todos los documentos que se refieran exclusivamente á dicha soberanía renunciada ó cedida, que existan en los Archivos de la Península.

Cuando estos documentos exist-

in part relates to said sovereignty, a copy of such part will be furnished whenever it shall be requested. Like rules shall be reciprocally observed in favor of Spain in respect of documents in the archives of the islands above referred to.

In the aforesaid relinquishment or cession, as the case may be, are also included such rights as the Crown of Spain and its authorities possess in respect of the official archives and records, executive as well as judicial, in the islands above referred to, which relate to said islands or the rights and property of their inhabitants. Such archives and records shall be carefully preserved, and private persons shall without distinction have the right to require, in accordance with law, authenticated copies of the contracts, wills and other instruments forming part of notarial protocols or files, or which may be contained in the executive or judicial archives, be the latter in Spain or in the islands aforesaid.

Article IX.

Spanish subjects, natives of the Peninsula, residing in the territory over which Spain by the present treaty relinquishes or cedes her sovereignty, may remain in such territory or may remove therefrom, retaining in either event all their rights of property, including the right to sell or dispose of such property or of its proceeds; and they shall also have the right to carry on their industry, commerce and professions, being subject in respect thereof to such laws as are applicable to other foreigners. In case they remain in the territory they may preserve their allegiance to the Crown of Spain by making, before a court of record, within a year from the date of the exchange of ratifications of this treaty, a declaration

entes en dichos Archivos, solo en parte correspondan á dicha soberanía, se facilitarán copias de dicha parte, siempre que sean solicitadas. Reglas análogas habran recíprocamente de observarse en favor de España, respecto de los documentos existentes en los Archivos de las Islas antes mencionades.

En las antecitadas renuncia ó cesión, según el caso, se hallan comprendidos aquellos derechos de la Corona de España y de sus Autoridades sobre los Archivos y Registros oficiales, así administrativos como judiciales de dichas islas, que se refieran á ellas y á los derechos y propiedades de sus habitantes. Dichos Archivos y Registros deberán ser cuidadosamente conservados y los particulares sin excepción, tendrán derecho á sacar, con arreglo á las Leyes, las copias autorizadas de los contratos, testamentos y demás documentos que formen parte de los protocolos notariales ó que se custodien en los Archivos administrativos ó judiciales, bien estos se hallen en España, ó bien en las Islas de que se hace mención anteriormente.

Artículo IX.

Los súbditos españoles, naturales de la Península, residentes en el territorio cuya soberanía España renuncia ó cede por el presente tratado, podrán permanecer en dicho territorio ó marcharse de el, conservando en uno ú otro caso todos sus derechos de propiedad, con inclusión del derecho devender ó disponer de tal propiedad ó de sus productos; y además tendrán el derecho de ejercer su industria, comercio ó prafesión, sujetándose á este respecto á las leyes que sean aplicables á los demás extrangeros. En el caso de que permanezcan en el territorio, podrán conservar su nacionalidad española haciendo ante una oficina de registro, dentro de un año después del cambio de ratificaciones de este tratado,

of their decision to preserve such allegiance; in default of which declaration they shall be held to have renounced it and to have adopted the nationality of the territory in which they may reside.

The civil rights and political status of the native inhabitants of the territories hereby ceded to the United States shall be determined by the Congress.

ARTICLE X.

The inhabitants of the territories over which Spain relinquishes or cedes her sovereignty shall be secured in the free exercise of their religion.

ARTICLE XI.

The Spaniards residing in the territories over which Spain by this treaty cedes or relinquishes her sovereignty shall be subject in matters civil as well as criminal to the jurisdiction of the courts of the country wherein they reside, pursuant to the ordinary laws governing the same; and they shall have the right to appear before such courts, and to pursue the same course as citizens of the country to which the courts belong.

ARTICLE XII.

Judicial proceedings pending at the time of the exchange of ratifications of this treaty in the territories over which Spain relinquishes or cedes her sovereignty shall be determined according to the following rules:

1. Judgments rendered either in civil suits between private individuals, or in criminal matters, before the date mentioned, and with respect to which there is no recourse or right of review under the Spanish law, shall be deemed to be final, and shall be executed in due form by competent authority in the territory within which such judgments should be carried out.

una declaración de su propósito de conservar dicha nacionalidad; á falta de esta declaración, se considerará que han renunciado dicha nacionalidad y adoptado la del territorio en el cual pueden residir.

Los derechos civiles y la condición política de los habitantes naturales de los territorios aquí cedidos á lo Estados Unidos se determinarán por el Congreso.

ARTÍCULO X.

Los habitantes de los territorios cuya Soberanía España renuncia ó cede, tendrán asegurado el libre ejercicio de su religión.

ARTÍCULO XI.

Los españoles residentes en los territorios cuya soberanía cede ó renuncia España por este tratado, estarán sometidos en lo civil y en lo criminal á les tribunales del país en que residan con arreglo á las leyes comunes que regulen su competencia, pudiendo comparecer ante aquellos, en la misma forma y ampleando los mismos pro cedimientos que deban observar los ciudadanos del país á que pertenezca el tribunal.

ARTÍCULO XII.

Los procedimientos judiciales pendientes al canjearse las ratificaciones de este tratado, en los territorios sobre los cuales España renuncia ó cede su soberanía, se determinarán con arreglo á las reglas siguientes:

1. Las sentencias dictadas en causas civiles entre particulares ó en materia criminal, antes de la fecha mencionada, y contra las cuales no haya apelación ó casación con arreglo á las leyes españolas, se considerarán como firmes, y serán ejecutadas en debida forma por la Autoridad competente en el territorio dentro del cual dichas sentencias deban cumplirse.

2. Civil suits between private individuals which may on the date mentioned be undetermined shall be prosecuted to judgment before the court in which they may then be pending or in the court that may be substituted therefor.

3. Criminal actions pending on the date mentioned before the Supreme Court of Spain against citizens of the territory which by this treaty ceases to be Spanish shall continue under its jurisdiction until final judgment; but, such judgment having been rendered, the execution thereof shall be committed to the competent authority of the place in which the case arose.

ARTICLE XIII.

The rights of property secured by copyrights and patents acquired by Spaniards in the Island of Cuba, and in Porto Rico, the Philippines and other ceded territories, at the time of the exchange of the ratifications of this treaty, shall continue to be respected. Spanish scientific, literary and artistic works, not subversive of public order in the territories in question, shall continue to be admitted free of duty into such territories, for the period of ten years, to be reckoned from the date of the exchange of the ratifications of this treaty.

ARTICLE XIV.

Spain shall have the power to establish consular officers in the ports and places of the territories, the sovereignty over which has been either relinquished or ceded by the present treaty

ARTICLE XV.

The Government of each country will, for the term of ten years, accord to the merchant vessels of the other country the same treatment in respect of all port charges, including entrance and clearance

2. Los pleitos civiles entre particulares que en la fecha mencionada no hayan sido juzgados, continuarán su tramitación ante el tribunal en que se halle el proceso, ó ante aquel que lo sustituya.

3. Las acciones en materia criminal pendientes en la fecha mencionada ante el Tribunal Supremo de España contra ciudadanos del territorio que según este tratado deja de ser español, continuarán bajo su jurisdicción hasta que recaiga la sentencia definitiva; pero una vez dictada esa sentencia, su ejecución será encomendada á la Autoridad competente del lugar en que la acción se suscitó.

ARTÍCULO XIII.

Continuarán respetándose los derechos de propiedad literaria, artística é industrial, adquiridos por españoles en las Islas de Cuba y en las de Puerto Rico, Filipinas y demás territorios cedidos, al hacerse el canje de las ratificaciones de este tratado. Las obras españolas científicas, literarias y artísticas, que no sean peligrosas, para el orden público en dichos territorios, continuarán entrando en los mismos, con franquicia de todo derecho de aduana por un plazo de diez años á contar desde el canje de ratificaciones de este tratado.

ARTÍCULO XIV

España podrá establecer Agentes Consulares en los puertos y plazas de los territorios cuya renuncia y cesión es objeto de este tratado.

ARTÍCULO XV.

El Gobierno de cada país concederá, por el término de diez años, á los buques mercantes del otro el mismo trato en cuanto á todos los derechos de puerto, incluyendo los de entrada y salida, de faro y

dues, light dues, and tonnage duties, as it accords to its own merchant vessels, not engaged in the coastwise trade.

This article may at any time be terminated on six months' notice given by either Government to the other.

tonelaje, que concede á sus propios buques mercantes no empleados en el comercia de cabotaje.

Este artículo puede ser denunciado en cualquier tiempo dando noticia previa de ello cualquiera de los dos Gobiernos al otro con seis meses de anticipación.

Article XVI.

It is understood that any obligations assumed in this treaty by the United States with respect to Cuba are limited to the time of its occupancy thereof; but it will upon the termination of such occupancy, advise any Government established in the island to assume the same obligations.

Artículo XVI

Queda entendido que cualquiera obligación aceptada en este tratado por los Estados Unidos con respecto á Cuba, está limitada al tiempo que dure su ocupación en esta isla, pero al terminar dicha ocupación, aconsejarán al Gobierno que se establezca en la isla que acepte las mismas obligaciones.

Article XVII

The present treaty shall be ratified by the President of the United States, by and with the advice and consent of the Senate thereof, and by Her Majesty the Queen Regent of Spain; and the ratifications shall be exchanged at Washington within six months from the date hereof, or earlier if possible.

In faith whereof, we, the respective Plenipotentiaries, have signed this treaty and have hereunto affixed our seals.

Done in duplicate at Paris, the tenth day of December, in the year of Our Lord one thousand eight hundred and ninety-eight.

[SEAL] William R. Day
[SEAL] Cushman K. Davis
[SEAL] William P Frye
[SEAL] Geo. Gray
[SEAL] Whitelaw Reid.

Artículo XVII

El pasente tratado será ratificado por el Presidente de los Estados Unidos, de acuerdo y con la aprobación del Senado, Su Majestad la Reina Regente de España; y por y las ratificaciones se canjearán en Washington dentro del plazo de seis meses desde esta fecha, ó antes si posible fuese.

En fé de lo cual, los respectivos Plenipotenciarios firman y sellan este tratado.

Hecho por duplicado en Paris á diez de Diciembre del año mil ochocientos noventa y ocho.

Eugenio Montero Ríos
[SEAL]
B. de Abarzuza
[SEAL]
J. de Garnica
[SEAL]
W R de Villa Urrutia
[SEAL]
Rafael Cerero
[SEAL]

PROTOCOLS OF THE CONFERENCES AT PARIS.

Protocol No 1

Conference of October 1, 1898.

Present: On the part of the United States. Messrs: Day, Davis, Frye, Gray, Reid.

On the part of Spain Messrs: Montero-Rios, Abarzuza, Garnica, Villa-Urrutia Cerero.

There was present, as Secretary of the United States Commission, Mr. Moore. and as Interpreter of the same Commission, Mr. Fergusson.

Mr. Ojeda, Secretary of the Spanish Commission, not having arrived in Paris, his duties were, on motion of Mr. Montero Rios, the American Commissioners assenting, discharged by Mr. Villa-Urrutia.

The commissions and full power of the American Commissioners were exhibited to the Spanish Commissioners and copies given to them.

The commission of the American Secretary was also exhibited, and a copy furnished to the Spanish Commissioners.

The commissions, which were also full powers, of the Spanish Commissioners were exhibited, and copies given to the American Commissioners.

It was resolved that the protocols of the Conferences should be kept in English and in Spanish by

Protocolo No. 1.

Conferencia del 1° de Octubre 1898.

Presentes por parte de los Estados Unidos de América. los Señores Day, Davis, Frye, Gray, Reid.

Por parte de España los Señores Montero Ríos, Abarzuza, Garnica, Villa-Urrutia. Cerero.

Asistian en calidad de Secretario de la Comisión de los Estados Unidos, encargado de la redacción inglesa del protocolo, Mr Moore, y como Intérprete de dicha Comisión Mr Fergusson.

No habiendo aún llegado á Paris el Secretario de la Comisión Española, Señor Ojeda, se prestó á hacer sus veces, por mediacion del Sr. Montero Ríos y con el asentimiento de los Comisarios Americanos, el Señor Villa-Urrutia.

Los nombramientos y plenipotencias de los Comisarios Americanos fueron presentados á los Comisarios españoles á quienes se entregaron copias de los mismos.

También fué presentado el nombramiento del Secretario de la Comisión Americana y hecha entrega de una copia de él.

Asimismo fueron presentados por los Comisarios Españoles sus plenipotencias de que se dieron copias á la Comisión Americana.

Se convino en que las Actas de la conferencia se redactasen en español é inglés por los respectivos

the respective Secretaries, and that in the event of a disagreement between them it should be settled by the Commissioners, to whom the protocols should always be submitted for approval.

It was also resolved that the protocols should contain the propositions presented by the Commissioners and the action thereon, suppressing any record of the debates, in order that the discussions should be as full, frank, and friendly as was desired by all the Commissioners.

The Spanish Commissioners moved that the Commissioners on either side should have the right to file memoranda on points deemed by them to be of sufficient importance to warrant such action. On this motion no decision was reached.

Upon the suggestion of Mr Montero Rios that an order of business be established by the Commission, Mr. Gray moved that a committee be appointed, to consist of a Commissioner on each side, to agree upon, frame and submit to the conference rules of procedure for the guidance thereof. The motion being agreed to, Mr. Gray and Mr. Villa-Urrutia were designated as the Committee, and requested to report to the Conference at the next session, which it was resolved should be held on October 3, at 2 o'clock, p. m.

The President of the Spanish Commission stated that he was charged by his Government to lay before the American Commissioners a proposition, *in limine* and of a pressing nature, which he presented in writing and of which a copy and translation are hereto annexed. Mr Day requested that it be read, which was done, the Interpreter translating it into English. Upon the conclusion of the reading, Mr Day said that the

Secretarios, y que cuando no hubiese entre ellos acuerdo, resolviese la conferencia, á cuya aprobación habían de ser siempre sometidas.

Se acordó también que endichas actas constasen las proposiciones que presentaran los Comisarios y los acuerdos que recayeran sobre las mismas, suprimiendo en cambio cuanto se refiriese á su discusión para permitir que esta fuera tan amplia, tan franca y tan amistosa comos unos y otros Comisarios deseaban.

Los Comisarios Españoles propusieron que los Comisarios de una ú otra de las partes tuvieran el derecho de presentar Memoranda sobre aquellos puntos que por su importancia entendieran que así lo requerían. No se decidió nada sobre este punto.

Indicada por el Señor Montero Ríos la conveniencia de fijar el órden de los trabajos de la Comisión, propuso Mr Gray el nombramiento de dos delegados en representación de cada una de las partes para que, puestos de acuerdo, redacten y sometan á la Conferencia las reglas de procedimiento á que ésta deba ajustarse. Aprobada la proposición, fueron designados el Sr Villa-Urrutia y Mr Gray para la redacción del reglamento que había de presentarse á la aprobación de la conferencia en su próxima sesión, acordándose que ésta tuviera lugar el 3 de Octubre á las dos de la tarde.

El Presidente de la Comisión Española manifestó que tenía encargo de su Gobierno de presentar á los Comisarios Americanos como cuestión previa y de carácter urgente una moción que presentó por escrito y cuya copia es anexa al Protocolo. Mr Day pidió que se diera de ella lectura, y así lo hizo, traduciéndola al inglés el Intérprete.

Terminada la lectura declaró Mr Day que los Comisarios Ameri-

American Commissioners would examine the proposition and reply to it at the next session.

WILLIAM R. DAY
CUSHMAN K. DAVIS
WM. P. FRYE
GEO. GRAY
WHITELAW REID.
J. B. MOORE.

canos estudiarían dicha moción y darían su respuesta en la sesión próxima.

E MONTERO RÍOS
B DE ABARZUZA
J DE GARNICA
W R DE VILLA URRUTIA
RAFAEL CERERO

ANNEX TO PROTOCOL NO. 1.

Los Comisarios españoles para convenir con los Señores Comisarios Americanos un Tratado de paz entre España y los Estados-Unidos de América tienen el honor de hacer presente á los Señores Comisarios Americanos lo siguiente:

Habiéndose convenido en el artículo 6º del Protocolo firmado en Washington el 12 de Agosto último por el Señor Ministro de Estado del Gobierno federal y el Señor Embajador de Francia en concepto de Plenipotenciario de España en que "al concluirse y firmarse aquel documento deberían ser suspendidas las hostilidades entre los dos paises"; y siendo de este convenio inmediata y necesaria consecuencia que el *Statu quo* existente en aquel momento en Filipinas no había de poder alterarse en perjuicio de ninguna de las dos Altas partes contratantes mientras hubiera de durar tal suspensión de hostilidades, los Comisarios españoles entienden que habiendo de ser el sobredicho Protocolo y su estricta observancia la base necesaria del Tratado de paz que están llamados á convenir con los Señores Comisarios Americanos, están en el caso de proponer y demandar á dichos Señores Comisarios que juntamente con los infrascritos se sirvan declarar que dicho *Statu quo* debe ser inmediatamente restablecido por la parte contratante que lo haya alterado ó que haya consentido ó no impedido su alteración en perjuicio de la otra.

Y entendiendo los Comisarios españoles que tal *Statu quo* fué alterado y continúa cada día con mayor gravedad alterándose en perjuicio de España por los rebeldes tagalos que formaron durante la campaña y continuan formando una fuerza auxiliar de las tropas regulares Americanas, demandan á los Señores Comisarios Americanos que juntamente con los infrascritos se sirvan declarar que las autoridades y jefes de las fuerzas Americanas en las Islas Filipinas deben proceder inmediatamente á restablecer en su estricta y absoluta integridad aquel *Statu quo* en los territorios que ocupen y se abstengan de impedir por ningún medio directo ni indirecto que las autoridades y fuerzas españolas lo restablezcan en los territorios que no ocupan las de los Estados Unidos.

Los Comisarios españoles se reservan volver á insistir sobre este asunto así como sobre los derechos que á España pudieran corresponder por efecto de la indicada alteración que ha sufrido y puede continuar sufriendo en Filipinas el Statu quo del 12 de Agosto último hasta su restablecimiento.

Está conforme

EMILIO DE OJEDA

[Translation.]

Annex to Protocol No. 1.

The Spanish Commissioners to arrange with the American Commissioners a treaty of peace between Spain and the United States of America, have the honor to lay before the American Commissioners the following:

It having been agreed by Article VI of the Protocol signed in Washington on August 12 last by the Secretary of State of the Federal Government and the Ambassador of France acting as Plenipotentiary of Spain that "upon the conclusion and signing of this Protocol, hostilities between the two countries shall be suspended"; and it being a direct and necessary consequence of this arrangement that the *statu quo* at the time existing in the Philippines could not be altered to the prejudice of the two High Contracting Parties during the continuance of such suspension of hostilities, the Spanish Commissioners, understanding that the Protocol aforesaid and its observance must be the necessary basis of the treaty of peace they are called upon to arrange with the American Commissioners, feel bound to propose and demand of the said Commissioners that jointly with the undersigned they be pleased to declare that the said *statu quo* must be immediately restored by the contracting party that may have altered the same, or that may have consented to or failed to prevent its alteration to the prejudice of the other.

And the Spanish Commissioners, understanding that such *statu quo* was altered and continues being altered with daily increasing gravity to the prejudice of Spain by the Tagalo rebels, who formed during the campaign and still form an auxiliary force to the regular American troops, demand of the American Commissioners that jointly with the undersigned they be pleased to declare that the authorities and officers of the American forces in the Philippine Islands must at once proceed fully and absolutely to restore the said *statu quo* in the territories they may occupy, and must abstain from preventing, by any means, direct or indirect, the restoration thereof by the Spanish authorities and forces in the territory not occupied by those of the United States.

The Spanish Commissioners reserve the right to insist again upon this matter as well as upon the rights that may attach to Spain through the effect of the said alteration which the *statu quo* of August 12 last has suffered or may continue to suffer in the Philippines until its restoration.

True copy:

Emilio de Ojeda.

Commissions and Full Powers Referred to in the Foregoing Protocol.

commissions of american plenipotentiaries.

William McKinley, President of the United States of America, to all who shall see these Presents, Greeting:

Know Ye! That, reposing special trust and confidence in the Integrity and Ability of William R. Day, of Ohio, I do appoint him a Commissioner Plenipotentiary of the United States, under the Protocol signed at Washington of the twelfth day of August, 1898, to negotiate and conclude a Treaty of peace between the United States and Spain,

and do authorize and empower him to execute and fulfill the duties of this commission, with all the powers, privileges, and emoluments thereunto of right appertaining, during the pleasure of the President of the United States.

In testimony whereof, I have caused these letters to be made patent, and the seal of the United States to be hereunto affixed.

Given under my hand at the city of Washington the 13th day of September in the year of Our Lord one thousand eight hundred and ninety-eight, and the 123rd year of the Independence of the United States of America.

Signed: WILLIAM MCKINLEY.

By the President:
Signed: J. B. MOORE,
Acting Secretary of State.

The commissions of the other American Plenipotentiaries were in the same form, their names being as follows:

CUSHMAN K. DAVIS, of Minnesota,
WILLIAM P. FRYE, of Maine,
GEORGE GRAY, of Delaware, and
WHITELAW REID, of New York.

FULL POWER OF AMERICAN PLENIPOTENTIARIES.

WILLIAM MCKINLEY, President of the United States of America, to all who shall see these Presents, Greeting:

Know Ye! That, reposing special trust and confidence in the Integrity and Ability of the Honorable William R. Day, of Ohio, lately Secretary of State of the United States, the Honorable Cushman K. Davis, of Minnesota, a Senator of the United States, The Honorable William P. Frye, of Maine, a Senator of the United States, the Honorable George Gray, of Delaware, a Senator of the United States, and the Honorable Whitelaw Reid, of New York, lately Minister Plenipotentiary of the United States to France. I do appoint them jointly and severally to be Commissioners on the part of the United States under the Protocol signed at Washington on the twelfth day of August, 1898, to negotiate and conclude a Treaty of peace between the United States and Spain, hereby empowering them jointly and severally to meet the Commissioners appointed or to be appointed under said Protocol on behalf of Spain, and with them to negotiate and sign a Treaty of peace between the United States and Spain, subject to the ratification of their Government; and the said commission to hold and exercise during the pleasure of the President of the United States for the time being.

In testimony whereof, I have caused these letters to be made patent and the seal of the United States to be hereunto affixed.

Given under my hand at the city of Washington this 13th day of September in the year of Our Lord one thousand eight hundred and ninety-eight, and of the Independence of the United States of America the one hundred and twenty-third.

Signed: WILLIAM MCKINLEY.

By the President:
Signed: J. B. MOORE.
Acting Secretary of State.

COMMISSIONS AND FULL POWERS OF SPANISH PLENIPOTENTIARIES.

DON ALFONSO XIII, por la gracia de Dios y la Constitución Rey de España y en su nombre y durante su menor edad DOÑA MARIA CRISTINA, Reina Regente del Reino,

Por cuanto ha llegado el caso de celebrar entre España y los Estados Unidos de América un tratado de paz; siendo necesario que al efecto autorice Yo debidamente á personas que merezcan Mi Real confianza y concurriendo en Vos Don Eugenio Montero Ríos, Caballero de la Insigne Orden del Toisón de Oro, condecorado con el Collar de la Real y distinguida orden de Carlos III, Presidente del Senado, ex-ministro de la Corona, ex-presidente del Tribunal Supremo de Justicia, Académico de la de Ciencias Morales y Políticas, las circunstancias que á este fin pueden apetercerse; por tanto, He venido en elegiros y nombraros, como por la presente Os elijo y nombro para que, en cumplimiento de lo estipulado en el Artículo quinto del Protocolo firmado en Washington el día doce del mes de Agosto último y revestido del carácter de Mi Plenipotenciario, conferencieis y convengais lo más acertado y oportuno, en unión de los demás Plenipotenciarios que, con esta misma fecha, nombro y con los que designe al propio objeto el Presidente de los Estados Unidos. Y todo lo que así conferencieis, convengais, trateis, concluyais y firmeis lo doy desde ahora por grato y rato, lo observaré y cumpliré, lo haré observar y cumplir como si por Mi misma lo hubiere conferenciado, convenido tratado, concluído y firmado, para la cual Os doy Mi pleno poder en la más amplia forma que de derecho se requiera. Y en fé de ello, He hechoa expedir la presente firmada de Mi mano, debidamente sellada y refrendada del infrascrito Mi Ministro de Estado. Dado en el Palacio de Madrid á veintidos de Septiembre de mil ochocientos noventa y ocho.

Firmado: MARÍA CRISTINA=

El Ministro de Estado=
Firmado=JUAN MANUEL SÁNCHEZ
Y GUTIÉRREZ DE CASTRO=

[Translation.]

DON ALFONSO XIII, by the grace of God and the constitution King of Spain, and in his name and during his minority, DOÑA MARIA CRISTINA, Queen Regent of the Kingdom:

Whereas the occasion has arisen for the concluding between Spain and the United States of America of a Treaty of peace, and it being necessary that to such end I should duly confer authority upon persons who shall merit my royal confidence, and you, Don Eugenio Montero Ríos, Knight of the Worthy Order of the Golden Fleece, decorated with the Collar of the Royal and distinguished Order of Charles III, President of the Senate, ex-Minister of the Crown, ex-President of the Supreme Tribunal of Justice, Academician of the Moral and Political Sciences, embody the characteristics which meet the requirements of the case, I have therefore chosen and appointed, and by these presents do choose and appoint you to the end that, pursuant to the stipulations of Article V of the Protocol signed in Washington of the twelfth day of the month of August last, and invested with the character of my Plenipotentiary, you may in unison with the

other Plenipotentiaries I have appointed under this date and those who may be designated by the President of the United States for the same purpose, confer and agree upon what may be best and most advisable. And everything you may so confer and agree upon, negotiate, conclude and sign, I now confirm and ratify, I will observe and execute, will cause to be observed and executed, the same as if I myself had conferred and agreed upon, negotiated, concluded and signed it, for all of which I confer upon you ample authority to the fullest extent required by law. In witness whereof I have caused these presents to issue signed by my hand, duly sealed and attested by the undersigned, my Minister of State.

Given in the Palace of Madrid on the twenty-second day of September of eighteen hundred and ninety-eight.

Signed: MARÍA CRISTINA.

Signed: JUAN MANUEL SÁNCHEZ Y GUTIÉRREZ DE CASTRO,
Minister of State.

The commissions and full powers of the other Spanish Plenipotentiaries were in the same form, their names and titles being as follows:

Don Buenaventura Abarzuza, Senator of the Kingdom and sometime Ambassador and Minister of the Crown;

Don José de Garnica y Diaz, Associate Justice of the Supreme Court of Justice, Deputy of the Cortes, Member of the General Codification Commission, ex-Vice-President of the Congress of Deputies:

Don Wenceslao Ramirez de Villa Urrutia, Knight Grand Cross of the Royal Order of Isabel the Catholic, Knight Commander of the Royal and Distinguished Order of Charles III, decorated with the White Cross of the second class of Naval Merit, Grand Cross of the Dutch Lion of the Netherlands, Oak Crown of Luxemburg, the Majidieh of Turkey, Knight Commander of the Legion of Honor of France, of the Concepcion de Villaviciosa of Portugal, decorated with the Cross of the second class of the Bust of Bolivar, Knight of St-Maurice and St-Lazarus of Italy, of the Crown of Prussia, of the Crown of Christ of Portugal, Licentiate in civil and canonical law, and through competitive examination, in administrative law Academician Professor of the Royal Academy of Jurisprudence and Legislation, my Minister Plenipotentiary to His Majesty the King of the Belgians:

Don Rafael Cerero y Saenz, General of Division, Ranking General of Engineers of the first Army Corps, Knight of the Grand Cross of the Orders of San Hermenegildo and of Military Merit, white insignia, decorated with the Cross of the third class of the Order of Military Merit, red insignia.

COMMISSION OF AMERICAN SECRETARY.

WILLIAM MCKINLEY, President of the United States of America, to all who shall see these presents, greeting:

Know ye! That, reposing special trust and confidence in the Integrity and Ability of John Bassett Moore, of New York, I do appoint him Secretary and Counsel to the Commissioners of the United States appointed under the Protocol signed at Washington on the twelfth day of August, 1898, to negotiate and conclude a Treaty of peace between the United States and Spain, and do authorize and empower him to execute and fulfill the duties of this Commission, with all the powers, privileges, and

emoluments thereunto of right appertaining, during the pleasure of the President of the United States.

In testimony whereof, I have caused these letters to be made patent, and the seal of the United States to be hereunto affixed.

Given under my hand at the city of Washington, the 13th day of September in the year of Our Lord one thousand eight hundred and ninety-eight, and the 123rd year of the Independence of the United States of America.

Signed: WILLIAM MCKINLEY.

By the President:
Signed: WILLIAM R. DAY,
Secretary of State.

PROTOCOL NO 2.

Conference of October 3, 1898.

Present: On the part of the United States: Messrs: Day, Davis, Frye, Gray, Reid, Moore, Fergusson.

On the part of Spain: Messrs: Montero Rios Abarzuza Garnica Villa-Urrutia Cerero

The protocol of the preceding session was read and approved.

Messrs. Gray and Villa-Urrutia, as a committee on procedure, reported that they had, after conferring together, decided that it was not advisable at present to recommend the adoption of any rules in addition to those already determined upon or still under discussion.

The question of annexing to the protocol memoranda on points of importance was then discussed.

The Spanish Commissioners proposed that the Commissioners on either side should have the privilege of filing memoranda on points which they should deem to be of sufficient importance to justify such action, the memoranda so filed to be annexed to the protocols.

The American Commissioners proposed that the right should be reserved to the Commissioners on either side to present memoranda on points which they might deem of sufficient importance to justify

PROTOCOLO NO. 2.

Conferencia del 3 de Octubre de 1898.

Presentes Por parte de los Estados Unidos de América. los Señores Day, Davis, Frye, Gray, Reid, Moore, Fergusson.

Por parte de España. los Señores Montero Ríos, Abarzuza Garnica Villa-Urrutia Cerero.

El protocolo de la sesión anterior fué leído y aprobado.

Los Señores Gray y Villa-Urrutia como ponentes para formular las reglas de procedimiento, manifestaron que después de haber conferenciado, habían decidido que no creían por ahora necesario recomendar que se adoptasen otras reglas adicionales á las acordadas anteriormente y que aún se hallaban sujetas á debate.

Se discutió la cuestión de unir como anexos al protocolo los Memorandums relativos á asuntos de importancia.

Los Comisionados Españoles propusieron que los de ambas Partes tuvieran facultad de presentar Memorandums sobre los puntos que creyeran de bastante importancia para justificar tal determinación y que los Memorandums formasen parte del protocolo como anexos al mismo.

Los Comisionados Americanos propusieron que se debería reservar á los Comisionados de ambas partes este derecho de presentar Memorandums sobre puntos que se juzgasen de bastante importancia para

them in so doing, the question of annexing such memoranda to the protocol to be determined in each case by the Joint Commission.

No agreement having been reached, it was decided to refer the matter to the Secretaries for their consideration and adjustment, subject to the further action of the Commission.

The American Commissioners then read their reply to the communication presented by the Spanish Commissioners at the first conference in relation to the preservation of the *status quo* in the Philippines. A copy of the reply is hereto annexed.

The Spanish Commissioners reserved the right to put in an answer to the reply at the next session.

The Spanish Commissioners then asked for the opinion of the American Commissioners on the order of business.

The American Commissioners stated that they were ready with propositions as to matters determined by the Protocol.

The Spanish Commissioners said they were ready to receive them.

The propositions, as hereto annexed, were then read, and a copy of them handed to the Spanish Commissioners.

After the reading was completed, the Spanish Commissioners stated that they desired to examine the paper, and, if necessary, present amendments, and moved that an adjournment be taken until Friday.

After discussion, it was agreed to adjourn to two o'clock, p. m., on Friday, October 7.

WILLIAM R. DAY
CUSHMAN K. DAVIS
WM. P. FRYE
GEO. GRAY
WHITELAW REID.
J. B. MOORE.

hacerlo así: pero que la cuestión de unir tales Memorandums al protocolo se resolvería en cada caso por la Comisión en pleno.

No habiéndose llegado á un acuerdo, se decidió encomendar el asunto al estudio y resolución de los Secretarios, salvo la aprobación posterior de la Comisión.

Los Comisionados Americanos leyeron luego su contestación á la comunicación presentada por los Comisionados Españoles en la primera conferencia relativa á la conservación del *statu quo* en las Islas Filipinas. Una copia de la contestacion se acompaña anexa á esta acta.

Los Comisionades españoles se reservan el derecho de contestar en la primera sesión.

Los Comisionados Españoles proponen luego á los Comisionados Americanos que expongan su opinión acerca del orden que se seguirá en los trabajos de la conferencia.

Los Comisionados Americanos manifiestan que tienen preparadas proposiciones sobre asuntos determinados por el Protocolo.

Los Comisionados Españoles dicen que están preparados para recibirlas.

Las proposiciones que se incluyen anexas son leídas dándose copias de ellas á los Comisionados Españoles.

Después de terminada la lectura los Comisionados Españoles manifiestan que desean examinar el documento, y si lo creen necesario presentar enmiendas, y proponen que se aplace la sesión hasta el Viernes.

Después de haberse discutido ésto, se convino en levantar la sesión hasta las dos de la tarde del Viernes 7 de Octubre.

E. MONTERO RÍOS
B DE ABARZUZA
J. DE GARNICA
W R DE VILLA URRUTIA
RAFAEL CERERO

Annex 1 to Protocol No. 2.

The American Commissioners, having duly considered the communication made to them in writing by the Spanish Commissioners at their conference on the 1st instant, make the following answer:

The American Commissioners concur in the opinion, which that communication is understood to convey, that the Protocol of August 12, 1898, embodies the conditions on which negotiations for peace have been undertaken.

But in the proposal and demand of the Spanish Commissioners that the American Commissioners join them in a declaration that the *status quo* existing at the time of the signature of the Protocol "must be immediately restored by the contracting party that may have altered the same, or that may have consented to or failed to prevent its alteration to the prejudice of the other", as well as in the demand of the Spanish Commissioners that the American Commissioners join them in the declaration that the American authorities in the Philippines shall proceed to restore or else refrain from interfering with the effort of Spain to restore the *status quo* understood by the Spanish Commissioners to have been disturbed by the Tagalo rebels, who are described as an auxiliary to the American forces, the American Commissioners can see nothing but a proposal and demand to divert the conference from the object for which it has met to the consideration of a subject which properly belongs to the two Governments, and not to the Commissioners here assembled. The American Commissioners do not intend to intimate that the proposal was made with this design, but they think it evident that this would be the necessary result of its discussion.

The topics embraced in the communication of the Spanish Commissioners were set forth in much detail in notes of the French Embassy in Washington to the Department of State of the United States of August 29 and September 3 and 11. To these notes the Department of State replied on September 5 and 16. An examination of these diplomatic papers will show that they embraced contested matters of fact as well as contested matters of law. In respect of some of the questions of fact, is is probable that neither Government at present possesses full and accurate information; while, in respect of other questions of fact, the reports in the possession of the Spanish Government were so entirely at variance with authentic information in the possession of the United States as to compel the conclusion that at least some of these reports were not of an official character. In respect of questions of law, the views of the two Governments were also at variance.

The American Commissioners, therefore, with a view to prevent the diversion and failure of the present negotiations, as well as on the ground of a want of power, deem themselves obliged to reply that the questions involved in the present proposals and demands of the Spanish Commissioners having heretofore been presented to the Government of the United States and answered in notes of the Department of State, any further demands as to military operations in the Philippines must be addressed by the Government of Spain to the Government of the United States at Washington, and consequently that they cannot join in the proposed declarations.

True copy: J. B. Moore.

Annex 2 to Protocol No. 2.

In entering upon negotiations for a treaty of peace, the natural procedure is to follow the order of the topics in the Protocol of August 12, 1898, by which the United States and Spain agreed upon the terms on which they would enter upon the present negotiations.

By Article I of the Protocol, Spain agrees to "relinquish all claim of sovereignty over and title to Cuba".

With a view to the immediate execution of this engagement, steps have already been taken for the evacuation of the island, as provided by the Protocol.

Only one thing remains to complete the legal formalities of the transaction, and that is to embody in a treaty of peace an appropriate stipulation by which Spain relinquishes, according to the engagements of the Protocol, all claim of sovereignty and title.

The American Commissioners therefore propose, as a part of the treaty of peace, the following article:

"The Government of Spain hereby relinquishes all claim of sovereignty over and title to Cuba.

"In this relinquishment of sovereignty and title is included all claim to the public domain, lots and squares, vacant lands, public buildings, fortifications and the armaments thereof, and barracks and other structures which are not private individual property. The archives, state papers, public records, and all papers and documents relative to the domain and sovereignty of the island and necessary or convenient for the government thereof, including all judicial and legal documents and other public records necessary or convenient for securing to individuals the titles to property or other rights, are embraced in the foregoing relinquishment; but an authenticated copy of any of them that may be required will be given at any time to such officer of the Spanish Government [as] may apply for it. The Government of Spain will likewise furnish an authenticated copy of any paper, record or document in the Spanish archives, home or colonial, or in the possession of the Spanish tribunals, home or colonial, relative to the domain and sovereignty of the island and necessary or convenient for the government thereof, or necessary or convenient for securing to individuals the titles to property or other rights."

By Article II of the Protocol, Spain agrees to "cede to the United States the Island of Porto Rico and other islands now under Spanish sovereignty in the West Indies, and also an island in the Ladrones, to be selected by the United States".

The Government of the United States having selected in the Ladrones the Island of Guam, the American Commissioners propose as the next article of the treaty of peace the following stipulation:

"The Government of Spain hereby cedes to the United States the Island of Porto Rico and other islands now under Spanish sovereignty in the West Indies, and also the Island of Guam, in the Ladrones.

"In this cession is included all right and claim to the public domain, lots and squares, vacant lands, public buildings, fortifications and the armaments thereof, and barracks and other structures which are not private individual property. The archives, state papers, public records, and all papers and documents relative to the domain and sovereignty of the islands and necessary or convenient for the government thereof, including all judicial and legal documents and other public records necessary or convenient for securing to individuals the titles to property or other rights, are embraced in the foregoing cession; but an

authenticated copy of any of them that may be required will be given at any time to such officer of the Spanish Government as may apply for it. The Government of Spain will likewise furnish an authenticated copy of any paper, record or document in the Spanish archives, home or colonial, or in the possession of the Spanish tribunals, home or colonial, relative to the domain and sovereignty of the islands and necessary or convenient for the government thereof, or necessary or convenient for securing to individuals the titles to property or other rights."

True copy:

J. B. MOORE.

PROTOCOL No. 3.

Conference of October 7, 1898.

Present On the part of the United States. Messrs. Day Davis Frye Gray Reid Moore Fergusson.

On the part of Spain Messrs. Montero Rios, Abarzuza Garnica, Villa-Urrutia, Cerero.

Mr. Ojeda, having exhibited his commission and furnished a copy of it, assumed the duties of Secretary of the Spanish Commission.

The protocol of the preceding session was read and approved.

On the question of procedure referred to them at the last conference the Secretaries made the following report;

"Where a proposition is presented and rejected, the side presenting it shall have the right to file a brief memorandum giving its reasons in support of such proposition, and the other side shall have the right to file a brief reply, the written discussion to be confined to such memorandum and reply, which are to be annexed to the protocol."

This report was adopted by unanimous consent.

The Spanish Commissioners then presented, in pursuance of the reservation made by them at the last conference, a reply to the American answer on the subject of the *status quo* in the Philippines, at

PROTOCOLO No. 3.

Conferencia del 7 de Octubre de 1898.

Presentes. Por parte de los Estados Unidos de América los Señores Day, Davis, Frye, Gray, Reid, Moore, Fergusson.

Por parte de España los Señores Montero Ríos Abarzuza Garnica, Villa-Urrutia, Cerero.

El Sr. Ojeda después de haber presentado su nombramiento y dado copia de él, actuó en calidad de Secretario de la Comisión Española.

Se leyó y aprobó el acta de la sesión anterior.

Respecto del procedimiento que había de adoptarse y que en la última sesión se dejó á cargo de los Secretarios, estos informaron haber llegado al acuerdo siguiente:

"Siempre que una proposición sea presentada y rechazada, la parte que la haya presentado tendrá el derecho de añadir un breve Memorandum en que se expresen las razones en que aquella se funda, y la otra parte tendrá el derecho de contestar en forma breve, limitándose dicha discusión por escrito al citado Memorandum y contestación que irán anexos al acta."

El acuerdo anterior fué unánimemente aprobado.

Los Comisarios Españoles presentan en virtud de la reserva que hicieron en la última conferencia una contestación á la comunicación de los Comisarios Americanos relativa al *Statu quo* en Filipinas,

the same time stating that the reply was presented for the purpose of reserving the right to bring up the subject hereafter.

The reply was received and filed; copy and translation are hereto annexed.

The Spanish Commissioners then presented, as an amendment to the American proposals, a set of articles, in Spanish, copy and translation of which are hereto annexed, in relation to Cuba and Porto Rico.

The American Commissioners, in order to afford opportunity for the translation and consideration of the articles, moved that the conference be adjourned till Tuesday, October 11, at two o'clock, p. m.

The conference was adjourned accordingly.

manifestando al mismo tiempo que el objeto de dicha contestación era el de reservar el derecho de promover este asunto ulteriormente.

Dicho documento fué debidamente recibido y su copia y traducción figuran como anexos al acta presente.

Los Comisarios Españoles presentan á continuacion, como enmienda á las proposiciones de los Americanos, el articulado que va adjunto, relativo á Cuba y Puerto Rico.

Los Comisarios Americanos, á fin de disponer del tiempo necesario para la traducción y consideración de dicho articulado, propusieron que la conferencia fuese apalazada hasta el Martes 11 de Octubre.

Se aprobó este acuerdo y se aplazó la próxima sesión hasta el dia 11 de Octubre á las 2 P. M.

WILLIAM R. DAY
CUSHMAN K. DAVIS
WM. P FRYE
GEO. GRAY
WHITELAW REID.
JOHN B. MOORE.

E MONTERO RÍOS
B DE ABARZUZA
J DE GARNICA
W R DE VILLA URRUTIA
RAFAEL CERERO
EMILIO DE OJEDA

ANNEX 1 TO PROTOCOL NO. 3.

COMISION PARA LA NEGOCIACION DE LA PAZ CON LOS ESTADOS UNIDOS.

PROPOSICION.

No. 2 (*a*).

Los Comisarios españoles se han enterado, con la detención que requiere la importancia del asunto, de la contestación escrita en que los Comisarios americanos se niegan á aceptar la proposicion que los españoles habiamos presentado en la sesion celebrada por los unos y los otros en 1° del corriente, para que se declarase por la conferencia, en pleno, que debia restablecerse el *statu quo* en Filipinas existente en 12 de Agosto último, en que se concluyó y firmó en Washington el protocolo, cuyo artículo 6° contiene el acuerdo de suspender las hostilidades entre los dos paises.

Vista esta contestación, los Comisarios españoles entienden que es de su deber hacer presente á los Señores Comisarios americanos, que si el *statu quo* existente en Filipinas en 12 de Agosto último, lejos de restablecerse continúa perturbándose cada vez mas, en perjuicio de España, el Gobierno de S M. C. y en su nombre sus Plenipotenciarios en esta conferencia, se reservan proveer, á lo que entiendan que exige el

derecho de España, una vez que no conciben como ha de poder celebrarse el tratado de paz que están encargados de convenir con los Señores Comisarios americanos sobre la indeclinable base del Protocolo de Washington de 12 de Agosto último, si esta base se está alterando constantemente en una de sus partes y cada día en mayor perjuicio de España.

Paris, 7 de Octubre de 1898.

Está conforme

EMILIO D OJEDA

[Translation.]

ANNEX 1 TO PROTOCOL NO. 3.

PROPOSITION.

No. 2 (*a*).

With the careful consideration the subject demands, the Spanish Commissioners have informed themselves of the written reply in which the American Commissioners decline to accept the proposition which the Spaniards presented at the session held by both Commissions on the 1st instant, to the effect that the joint body declare that the *statu quo* existing in the Philippines on the 12th of August last, date of the concluding and signing in Washington of the Protocol, Article VI of which contains the agreement to suspend hostilities between the two countries, should be restored.

In view of this reply, the Spanish Commissioners understand that it is their duty to make known to the American Commissioners that if the *statu quo* existing in the Philippines on August 12 last, far from being restored, continues to be disturbed to the prejudice of Spain, the Government of Her Catholic Majesty, and in her name its plenipotentiaries in this conference, reserve the right to act as they may deem the rights of Spain shall require, since they cannot conceive how the treaty of peace they are charged with arranging with the American Commissioners upon the immutable basis of the Protocol of Washington of August 12 last, can be concluded if this basis is being constantly altered in one of its parts, and continually to the greater prejudice of Spain.

True copy: EMILIO DE OJEDA.

ANNEX 2 TO PROTOCOL NO. 3.

COMISION PARA LA NEGOCIACION DE LA PAZ CON LOS ESTADOS UNIDOS.

ARTÍCULO 1º.

Su Majestad la Reina Católica en nombre y representación de España y constitucionalmente autorizada por las Cortes del Reino, renuncia á su soberanía sobre la Isla de Cuba, transfiriéndola á los Estados Unidos de América que la aceptan para que puedan á su vez transferirla oportunamente al pueblo cubano con las condiciones establecidas en este tratado, ofreciendo los Estados Unidos que desde su ratificación serán siempre y fielmente cumplidas.

ARTÍCULO 2º.

La renuncia y transferencia que hace Su Majestad Católica y que aceptan los Estados Unidos de América, comprende:

1º. Todas las prerrogativas, atribuciones y derechos que, como parte integrante de dicha Soberanía, corresponden á Su Majestad Católica sobre la Isla de Cuba y sus habitantes:

2º. Todas las cargas y obligaciones de todas clases, pendientes al ratificarse este Tratado de paz, que la Corona de España y sus Autoridades en la Isla de Cuba, hubiesen contraido legalmente en el ejercicio de la soberanía que renuncian y transfieren, y que, en tal concepto, forman parte integrante de la misma

ARTÍCULO 3º.

En cumplimiento de lo convenido en los dos artículos anteriores Su Majestad Catolica, en la representación con que celebra este Tratado, renuncia y transfiere á los Estados Unidos, que los aceptan, en el concepto sobredicho, todos los edificios, muelles, cuarteles, fortalezas, establecimientos, vías públicas y demás bienes inmuebles que, con arreglo á derecho, son de dominio público, y que como de tal dominio público, corresponden á la Corona de España en la Isla de Cuba.

Quedan por lo tanto exceptuados de esta renuncia y transferencia todos los bienes inmuebles radicantes en la Isla de Cuba que correspondan en el orden civil al Estado, en concepto de su propriedad patrimonial, así como todos los derechos y bienes de cualquiera clase que sean, que, hasta la ratificación del presente Tratado, hayan venido pacíficamente poseyendo, en concepto de dueños, las Provincias, Municipios, Establecimientos públicos ó privados, Corporaciones eclesiásticas ó civiles y cualesquiera otras colectividades que tengan legalmente personalidad jurídica para adquirir y poseer bienes de la Isla de Cuba, y los particulares, cualquiera que sea su nacionalidad.

Su Majestad Catolica renuncia también, y transfiere á los Estados Unidos, á quien se le entregarán por el Gobierno Español, todos los documentos y títulos que se refieran exclusivamente á la soberanía transferida y aceptada, que existan en los Archivos de la Península. Habiendo de facilitarle copias cuando los Estados Unidos las reclamasen, de la parte correspondiente á dicha Soberanía que contengan los demás documentos y títulos también relativos á otros asuntos agenos á la Isla de Cuba, que existan en los mencionados Archivos. Una regla análoga habrá recíprocamente de observarse, á favor de España, respecto á los documentos y títulos agenos en todo ó en parte á la Isla de Cuba que se hallen actualmente en sus Archivos y que interesen al Gobierno Español.

Todos los Archivos y Registros oficiales, así administrativos como judiciales, que están á disposición del Gobierno de España y de sus autoridades en la Isla de Cuba, y que se refieran á la misma isla ó á sus habitantes y á sus derechos y bienes, que darán á disposicion de los Estados Unidos con los mismos derechos y obligaciones con que hoy lo están á disposición del Gobierno Español y de dichas sus Autoridades. Los particulares, así españoles como cubanos, tendrán derecho á sacar, con arreglo á las leyes, las copias autorizadas de los contratos, testamentos y demás documentos que forman parte de los protocolos notariales o que se custodien en los Archivos administrativos y judiciales, bien estos se hallen en España ó en la Isla de Cuba.

ARTÍCULO 4º.

Para fijar las cargas y obligaciones de todas clases, que la Corona de España cede y transfiere como parte de su soberanía sobre la Isla de Cuba á los Estados Unidos, y que estos aceptan, se atenderá á las dos reglas siguientes:

Primera. Las cargas y obligaciones que hayan de transferirse, han de haber sido establecidas en forma constitucional y en uso de sus legítimas atribuciones, por la Corona de España, como soberana de la Isla de Cuba, ó por sus Autoridades legítimas usando de las suyas respectivas, antes de la ratificación de este Tratado.

Segunda. Su creación ó constitución ha de haber sido para el servicio de la Isla de Cuba ó con cargo á su Tesoro especial

ARTÍCULO 5º.

En virtud de lo dispuesto en el Artículo anterior quedan comprendidos en la sobredicha transferencia, las deudas cualquiera que sea su clase, cargas de justicia, sueldos ó asignaciones de funcionarios así civiles como eclesiásticos, que hayan de continuar prestando sus servicios en la Isla de Cuba, y pensiones de jubilación y retiro y de viudedad ú horfandad con tal que en todas ellas concurran las dos circunstancias prescritas en el Artículo anterior.

ARTÍCULO 6º.

Su Majestad Católica, en nombre y representación de España, y constitucionalmente autorizada por las Cortes del Reino, cede á los Estados Unidos de América y éstos aceptan para sí mismos, la Soberanía sobre la Isla de Puerto Rico y las demás que corresponden en la actualidad á la Corona de España en las Indias Occidentales.

ARTÍCULO 7º.

Esta cesión de la soberanía sobre el territorio y habitantes de Puerto Rico y las demás islas mencionadas, se entiende que consiste en la cesión de los derechos y obligaciones, bienes y documentos relativos á la Soberanía de dichas islas, iguales á los que respecto á la renuncia y transferencia de la soberanía de la Isla de Cuba, se definen en los Artículos 2º hasta el 5º inclusive de este Tratado.

Está conforme

EMILIO DE OJEDA

[Translation.]

ANNEX 2 TO PROTOCOL NO. 3.

ARTICLE I.

Her Majesty the Catholic Queen, in the name and representation of Spain, and thereunto constitutionally authorized by the Cortes of the Kingdom, relinquishes her sovereignty over the Island of Cuba, transferring it to the United States of America, which accept it, in order that they may in their turn transfer it at the proper time to the Cuban

people, upon the conditions established in this treaty, the United States promising hereby that as soon as they are ratified they will always be faithfully complied with.

ARTICLE II.

The relinquishment and transfer made by Her Catholic Majesty, and accepted by the United States of America, embrace:

1st. All the prerogatives, powers and rights, which, as an integral part of the sovereignty, belong to Her Catholic Majesty both over the Island of Cuba and over its inhabitants;

2nd. All charges and obligations of every kind in existence at the time of the ratification of this treaty of peace, which the Crown of Spain and her authorities in the Island of Cuba may have contracted lawfully in the exercise of the sovereignty hereby relinquished and transferred, and which as such constitute an integral part thereof.

ARTICLE III.

In compliance with the provisions of the two preceding articles, Her Catholic Majesty, acting in the same representative character with which she has entered into this treaty, relinquishes and transfers to the United States, which accept them, upon the conditions above stated, all the buildings, wharves, barracks, fortresses, establishments, public ways of communication, and all other immovable property which according to law attaches to the public domain, and which so attaching belongs to the Crown of Spain in the Island of Cuba.

All immovable property situated in the Island of Cuba which under the civil law belongs to the state as patrimonial property, and all rights and property of whatsoever kind, which up to the ratification of the present treaty have been peacefully enjoyed and held in ownership by provinces, municipalities, public and private establishments, ecclesiastical and civil corporations, or any other collective bodies lawfully incorporated and having legal authority to acquire and hold property in the Island of Cuba, and by private individuals, whatsoever their nationality, are therefore excluded from the above relinquishment and transfer.

Her Catholic Majesty further relinquishes and transfers to the United States all right to the documents and papers exclusively relating to the sovereignty hereby relinquished and accepted, to be found in the archives of the Peninsula, said documents and papers to be delivered to the United States by the Spanish Government. Copies of such portions of other documents and papers relating to other subjects foreign to the Island of Cuba, but relating to the sovereignty aforesaid which may exist in the said archives, shall be given to the United States whenever desired. A similar rule shall be reciprocally observed in favor of Spain regarding documents and papers foreign, in whole or in part, to the Island of Cuba, which may be in the archives of the latter and of interest to the Spanish Government.

All archives and official records, executive and judicial, which are at the disposal of the Government of Spain and its authorities in the Island of Cuba, and which refer to the said island or its inhabitants, and to their rights and property, shall be at the disposal of the United States with the same rights and obligations as now attach to them while at the disposal of the Spanish Government and its said authorities. Private persons, Spaniards and Cubans alike, shall be entitled to make according to law authenticated copies of contracts, wills, and

other instruments forming part of the notarial registers and files or in the custody of the executive and the judicial archives, be the same either in Spain or in the Island of Cuba.

ARTICLE IV.

In order to establish the charges and obligations of all kinds which the Crown of Spain cedes and transfers as a part of its sovereignty over the Island of Cuba to the United States, and which the latter accept, the two rules following will be observed:

First: The charges and obligations to be transferred must have been levied and imposed in constitutional form and in the exercise of its legitimate powers by the Crown of Spain, as the sovereign of the Island of Cuba, or by its lawful authorities in the exercise of their respective powers prior to the ratification of this treaty.

Second: The creation or establishment of such charges or obligations must have been for the service of the Island of Cuba, or chargeable to its own individual treasury.

ARTICLE V.

Pursuant to the provisions of the foregoing article, there shall be embraced in the said transfer all debts, of whatsoever kind, lawful charges, the salaries or allowances of all employes, civil and ecclesiastical, who shall continue to render services in the Island of Cuba, and all pensions in the civil and military services and of widows and orphans; provided that they conform to the requirements prescribed in the foregoing article.

ARTICLE VI.

Her Catholic Majesty, in the name and representation of Spain, and thereunto constitutionally empowered by the Cortes of the Kingdom, cedes to the United States of America, and the latter accept for themselves, the sovereignty over the Island of Porto Rico and the other islands now belonging to the Crown of Spain in the West Indies.

ARTICLE VII.

This cession of the sovereignty over the territory and inhabitants of Porto Rico and the other islands mentioned, is understood to embrace the cession of the rights and obligations, property and documents relating to the sovereignty of the said islands, similar in all things to those which, with respect to the relinquishment and transfer of the sovereignty of the Island of Cuba, are defined in Articles II to V, inclusive, of the treaty.

True copy: EMILIO DE OJEDA.

COMMISSION OF THE SPANISH SECRETARY.

EXCMO. SEÑOR.

S. M. el Rey (q. D. g.) y en su nombre la Reina Regente del Reino, se ha servido expedir el Real Decreto siguiente:

"Tomando en consideración las especiales circumstancias que concurren en Don Emilio de Ojeda, Mi Enviado Extraordinario y Ministro

Plenipotenciario cerca de S. M. Sherifiana; En nombre de Mi Augusto Hijo el Rey Don Alfonso Trece y como Reina Regente del Reino: Vengo en disponer que, conservando su cargo, pase á desempeñar las funciones de Secretario General de la Comisión española encargada de negociar en Paris el tratado de paz entre España y los Estos Unidos de América.

"Dado en Palacio á veintiseis de Septiembre de mil ochocientos noventa y ocho.

MARÍA CRISTINA.

"El Presidente del Consejo de Ministros—

"PRAXEDES MATEO SAGASTA."

Lo que traslado á V. E. para su conocimiento ***.

Dios gue. á V. E. m. a.

Madrid, 26 Septiembre de 1898.

SAGASTA.

Señor Don EMILIO DE OJEDA.

[Translation.]

MOST EXCELLENT SIR:

H. M. the King (whom God preserve) and in his name the Queen Regent of the Kingdom has been pleased to issue the Royal Decree following:

"Bearing in mind the special qualifications of Don Emilio de Ojeda, My Envoy Extraordinary and Minister Plenipotentiary near His Sherifian Majesty, in the name of my August Son, the King Don Alfonso XIII, and as Queen Regent of the Kingdom, I will that, still retaining his office, he discharge the functions of Secretary General of the Spanish Commission entrusted with negotiating in Paris the Treaty of Peace between Spain and the United States of America.

"Done at the Palace on the twenty-sixth of September, eighteen hundred and ninety-eight.

"MARÍA CRISTINA.

"PRAXEDES MATEO SAGASTA,

"*President of the Council of Ministers.*"

Which I transmit to Y. E. for your information ***.

God preserve Y. E. many years.

Madrid, September 26, 1898.

SAGASTA.

Señor Don EMILIO DE OJEDA.

PROTOCOL No. 4.

Conference of October 11, 1898.

Present On the part of the United States. Messrs Day Davis Frye Gray Reid Moore Fergusson.

On the part of Spain. Messrs. Montero Rios Abarzuza. Garnica, Villa-Urrutia Cerero Ojeda.

PROTOCOLO No. 4.

Conferencia del 11 de Octubre de 1898

Presentes Por parte de los Estados Unidos de América los Señores Day, Davis, Frye, Gray, Reid, Moore .Fergusson.

Por parte de España. los Señores Montero Ríos, Abarzuza, Garnica, Villa-Urrutia, Cerero, Ojeda.

The protocol of the preceding session was read and approved.

The American Commissioners presented a paper, copy of which is hereto annexed, in which they rejected the articles submitted by the Spanish Commissioners at the last session as an amendment to the proposals of the American Commissioners on the subject of the relinquishment by Spain of sovereignty over Cuba and the cession of Porto Rico and other islands in the West Indies, and the island of Guam in the Ladrones.

The paper having been read in English and in Spanish, and the Spanish articles having been rejected, the President of the Spanish Commission on behalf of the Spanish Commissioners, presented under the rules a memorandum, setting forth their reasons in support of their propositions.

The American Commissioners inquired whether the Spanish Commissioners considered their propositions as finally rejected.

The Spanish Commissioners replied that the rejection was set forth in the very terms of the American reply, and that the occasion had therefore arisen for the presentation of their memorandum; but that, before filing the latter, they were ready and even preferred to discuss the subject of it orally, since this might result in an agreement and render the filing of the memorandum unnecessary.

The American Commissioners said that the memorandum could be read, but that they reserved the right under the rules to make a written reply, and that any oral discussion into which they might enter was not to be considered as a waiver of that right.

The memorandum, copy and translation of which are hereto annexed, was then read.

The reading having been completed, the American Commissioners stated that their understanding of the situation was this—that,

Fué leída y aprobada el acta de la sesión anterior.

Los Comisarios Americanos presentan una contestación rechazando el articulado de Tratado que les entregaron los Comisarios Españoles en la sesión anterior como enmienda al proyecto del Tratado que presentaron los Americanos en lo relativo á la renuncia de España á la Soberanía de España sobre Cuba y á la cesión de Puerto Rico y otras islas en las Antillas así como de la isla de Guam en el Archipiélago de las Ladrones.

Se lee dicha contestación en inglés y en español.

Rechazado el articulado español el Presidente de la Comisión española en nombre de dicha Comisión y en virtud del reglamento, presenta un Memorandum en que se consignan las razones en que fundaron su proposición

La Comisión americana pregunta si consideran los españoles definitivamente rechazada su proposición.

La Comisión española dice que el rechazo está consignado en los propios términos de la contestación americana, y que por tanto era llegado el momento de presentar el Memorandum; pero que esto no obstante está dispuesta á discutir oralmente el asunto antes de que se tome acta del Memorandum y hasta preferiría este curso, puesto que de llegarse á un acuerdo en la discusión podría prescindirse de la presentación del Memorandum.

Se admite la lectura del documento, si bien los Comisarios americanos se reservan el derecho, sea ó no leído ó discutido oralmente, de contestar por escrito en la misma forma.

Léese en inglés el Memorandum que va adjunto al acta presente.

Los Comisarios Americanos manifiestan que en su sentir, habiendo sido rechazado el articulado presentado por los Comisarios Espa-

the articles presented by the Spanish Commissioners having been rejected, and the Spanish Commissioners having thereupon filed a memorandum under the rules, the American Commissioners were entitled to make a written reply, and that the question now recurred on the articles proposed by the American Commissioners.

The Spanish Commissioners declared that in their opinion the propositions on both sides had been rejected, and that both propositions were before the Commission on an equal footing for oral discussion.

The American Commissioners stated that they were ready to hear the Spanish Commissioners.

The Spanish Commissioners suggested that, as the American Commissioners wished to reply to the Spanish memorandum, it would be advisable to postpone the oral discussion till the reply was before the Commission.

To this the American Commissioners assented.

The President of the Spanish Commission then stated that from the rapid reading of the paper presented by the American Commissioners at the opening of the session, they had derived the impression that those Commissioners were laboring under a misapprehension as to the stipulation in the Spanish articles touching Spain's relinquishment of sovereignty over Cuba. In proposing that the sovereignty should be relinquished to the United States in order that the latter might transfer it to the Cuban people, Spain had merely conformed to the letter and spirit of the joint resolution of the American Congress; but it was not her intention to impose upon the United States an obligation to make such transfer, as was shown by the fact that it was said in the articles that the United States "may" transfer the sovereignty, not that they were bound to do it.

ñoles, y habiendo estos presentado el Memorandum al respecto, segun previene el reglamento, los Comisarios Americanos están facultados para contestar por escrito y que por tanto la discusión debía versar ahora sobre los artículos propuestos por los Americanos.

Los Comisarios Españoles declararon que en su opinión habiendo sido rechazados ambos estaban en igual caso y debían discutirse á la vez ambos proyectos.

Los Comisarios Americanos en vista de esto se manifestaron dispuestos á oir los argumentos que tenían que aducir los Españoles; pero estos teniendo en cuenta que los Americanos debían presentar una contestacón escrita propusieron aplazar la discusión oral hasta que les fuera conocido el contenido de la respuesta Americana.

Se convino en ello.

El Presidente de la Comisión Española manifestó que por la rápida lectura del documento Americano comentando el articulado presentado por la Comisión Española, había él comprendido que los Comisarios Americanos habían sido inducidos en error al creer que en dicho articulado se exigía que los Estados Unidos al aceptar la renuncia en su favor de la Soberanía de España sobre Cuba, hubieran de transmitirla al pueblo cubano. El Presidente añadió que al mencionar en dicho articulado que dicha renuncia la hacía España "*a fin de que los Estados Unidos puedan transferirla al pueblo cubano*," España se adaptaba al espíritu y á la letra de la *joint-resolution* del Congreso Americano, pero en el proyecto español no se imponía esta obligación á los Estados Unidos puesto que se decía que *podían* hacer la transferencia de la Soberanía mas no que hubieran de tener la obligación de hacerla.

The American Commissioners replied that the language employed in the article would, under the American law, impress the relinquishment with a trust.

The Spanish Commissioners said that if the phraseology would, under American law convey that meaning, they would change it in the sense in which they had just suggested.

The conference was adjourned to Friday, October 14, at two o'clock p. m.

WILLIAM R. DAY
CUSHMAN K. DAVIS
WM. P FRYE
GEO. GRAY
WHITELAW REID.
JOHN B. MOORE.

Los Comisarios americanos contestaron que en efecto había sido su impresion que la renuncia por parte de España estaba hecha en términos que según las leyes Americanas implicaban una obligación fiduciaria.

La Comisión Española contestó que si tal era el sentido que según las leyes Americanas podían atribuirle, se modificaria el texto en el sentido que acababa de sugerir.

Se aplazó la conferencia hasta el Viernes 14 de Octubre á las dos P. M.

E. MONTERO RÍOS
B. DE ABARZUZA .
J. DE GARNICA
W R DE VILLAURRUTIA
RAFAEL CERERO
EMILIO DE OJEDA

ANNEX 1 TO PROTOCOL NO. 4.

The American Commissioners, when they presented in the conference of the 3rd instant a draft of articles for the relinquishment by Spain of sovereignty over and title to Cuba and for the cession of Porto Rico and other islands in the West Indies, and the Island of Guam in the Ladrones, stated that the disposition of these subjects was determined by the Protocol of August 12, 1898.

The two articles of the Protocol relating to these subjects are brief, and, as it seems to the American Commissioners, easy of comprehension and readily to be carried into effect.

They are:

"ARTICLE I. Spain will relinquish all claim of sovereignty over and title to Cuba.

"ARTICLE II. Spain will cede to the United States the island of Porto Rico and other islands now under Spanish sovereignty in the West Indies, and also an island in the Ladrones to be selected by the United States."

The American Commissioners were careful, in the articles proposed by them, to express the relinquishment or cession, as the case might be, in the very words of the Protocol, merely adding thereto the usual subsidiary and incidental clauses touching public property and archives, with a view to making the treaty effectual, and preserving evidence of public and private property rights.

The American Commissioners regret to find in the articles presented by the Spanish Commissioners on the 7th instant a departure from the terms of the Protocol in the following particulars:

To the unconditional engagement of the Protocol to relinquish all claim of sovereignty over and title to Cuba, they have proposed conditions:

1. That Spain shall transfer her sovereignty over the island to the

United States, and that the United States "shall in their turn transfer it at the proper time to the Cuban people."

2. That this transfer shall be made upon the conditions to be established in the treaty between the United States and Spain.

3. That the United States shall engage itself to Spain for the performance of these conditions.

In place of the unconditional relinquishment agreed to in the Protocol, it is proposed that the relinquishment now offered shall embrace all charges of every kind which Spain and her authorities in Cuba have lawfully contracted heretofore, and may hereafter contract, prior to the ratification of the treaty of peace; and these "charges and obligations," past, present, and future, which it is proposed to "transfer" to the United States, are declared to include debts, civil and ecclesiastical salaries, and civil and military pensions, ostensibly in arrears, as well as yet to accrue.

To the American Commissioners this appears to be not a proposition to "relinquish all claim of sovereignty over and title to Cuba", but in substance a proposition to "transfer" to the United States and in turn to Cuba a mass of Spanish charges and obligations.*

It is difficult to perceive by what logic an indebtedness contracted for any purpose can be deemed part of the sovereignty of Spain over the Island of Cuba. In the article proposed it is attempted to yoke with the transfer of sovereignty an obligation to assume an indebtedness arising out of the relations of Spain to Cuba. The unconditional relinquishment of sovereignty by Spain stipulated for in the Protocol is to be changed into an engagement by the United States to accept the sovereignty burdened with a large mass of outstanding indebtedness.

It is proper to say that if during the negotiations resulting in the conclusion of the Protocol Spain had proposed to add to it stipulations in regard to Cuba such as those now put forward, the proposal, unless abandoned, would have terminated the negotiations.

The American Commissioners, therefore, speaking for their Government, must decline to accept the burden which it is now proposed shall be gratuitously assumed.

The American Commissioners further observe that in article 3 of the draft there is a negative clause, by which property not belonging to the Crown of Spain is excepted from the proposed relinquishment and transfer of sovereignty. In one respect this exception appears to be unnecessary, and in another illogical. So far as it affects the question of legal title it is unnecessary, since such title, if not held by Spain, would not pass to the United States by Spain's transfer of sovereignty. On the other hand, so far as it affects the question of sovereignty, it is illogical, since the sovereignty, which includes the right of eminent domain, would, if excepted from the relinquishment, remain with Spain. We would thus have the singular spectacle of Spain relinquishing her sovereignty over property belonging to the Crown, but retaining it over all other property.

Thus again we should witness the utter defeat of the explicit engagement in the Protocol that Spain would "relinquish all claim of sovereignty over and title to Cuba."

In the articles presented by the American Commissioners there were stipulations in relation to archives and official records, which stipulations were intended to secure, and, as the American Commissioners believe, would effectually secure, the object of preserving and of furnish-

* See Protocol No. 5.

ing to those in interest evidence of title to property in the islands in question.

In the articles submitted by the Spanish Commissioners, it is provided that documents and papers relating to sovereignty to be found in the archives of the Peninsula shall be furnished to the United States; also "copies of such portions of other documents and papers relating to other subjects foreign to the Island of Cuba and the sovereignty aforesaid as may exist in the said archives."

It is difficult for the Americans to understand this latter clause; perhaps its exact meaning is not conveyed in the English translation of the Spanish text.

It is to be further observed that in the provisions of the Spanish articles relating to the furnishing of record evidence of titles to lands in Cuba and Porto Rico, it is stipulated that the archives and records shall be at the disposal of the United States "with the same rights and obligations as now attach to them while at the disposal of the Spanish Government and its said (insular) authorities." This restriction, the object of which is not perceived, would seem to limit the control over archives and official records, after Spain's relinquishment of sovereignty, to the same power, both in kind and in extent, as was formerly possessed by the Spanish Government. This appears to be inconsistent with the right of control which every sovereign power should possess over its archives and official records.

All the conditions and qualifications above referred to are by general reference incorporated in the articles relating to the cession of Porto Rico and other islands in the West Indies, and render these articles equally inadmissible.

True Copy:

J. B. MOORE.

ANNEX 2 TO PROTOCOL NO. 4.

COMISION PARA LA NEGOCIACION DE LA PAZ CON LOS ESTADOS UNIDOS.

Memorandum, en que se exponen sucintamente las razones ó fundamentos del proyecto de artículos para el Tratado de Paz, relativos á la renuncia, por parte de España, de su Soberanía en Cuba y Puerto Rico, que presentan á la Conferencia los Plenipotenciarios Españoles.

Los Plenipotenciarios Españoles aceptan el pensamiento generador del proyecto de artículo presentado por los Señores Comisarios Americanos sobre la renuncia de España á su soberanía en Cuba y la cesión de su soberanía en Puerto Rico; pero les es imposible prestar el mismo asentimiento á lo demás que en dicho proyecto se contiene, ya porque entienden que parte de ello está fuera del alcance que cabe dar á la renuncia y cesión sobredichas, ya porque también estas renuncia y cesión, tal como aparecen en aquel proyecto, no contienen bajo otros aspectos cuanto es indispensable que comprendan.

I.

LA RENUNCIA QUE HACE S. M. C. DE SU SOBERANÍA EN LA ISLA DE CUBA ES INDISPENSABLE QUE SEA ACEPTADA POR EL PRESIDENTE DE LOS ESTADOS UNIDOS DE AMÉRICA.

El Gobierno de la Unión americana nunca exigió al Gobierno español que *abandonase* la Soberanía en Cuba, sino que la *renunciase* para que

la Isla fuese independiente. Así consta en la correspondencia diplomatica que conserva el Gobierno de S. M. C. sobre las negociaciones entre Ambas Altas Partes contratantes anteriores á la declaración de guerra: Así también las Cámaras Americanas lo declararon en la resolución conjunta de 19 de Abril último, aprobada después por el Señor Presidente de los Estados Unidos. El artículo primero de la citada resolución, dice: "que el pueblo de Cuba es y debe ser libre é independiente."

Así también el Señor Secretario de Estado en Washington ordenó en 20 del citado mes á su Ministro en Madrid, que lo comunicase al Gobierno español, empleando las mismas palabras del texto de aquella resolucion para que "España renunciase inmediatamente su Autoridad y Gobierno en la Isla de Cuba."

Y así finalmente se consignó en el Artículo 1º del Protocolo firmado en Washington en doce de Agosto pasado, cuyo Artículo 1º, según el texto oficial, firmado en idioma francés, á la vez que el firmado en idioma inglés por los representantes de Ambas Altas Partes contratantes, dice así:

"ARTICLE I. L'Espagne renoncera à toute prétention à sa souveraineté et à tout droit sur Cuba," que literalmente traducido al español equivale á lo siguiente:

"La España *renunciará* á toda pretensión á su soberanía y á todo derecho sobre Cuba."

Seria ofender la grande ilustración de los Señores Comisarios Americanos tratar de demostrarles la esencial diferencia que, según la doctrina elemental del derecho público internacional, y la práctica de las naciones, existe entre el *abandono* y la *renuncia* de la Soberanía.

El territorio *abandonado* tiene derecho para adquirirlo el primer ocupante; el territorio *renunciado* pasa necesariamente á aquél á cuyo favor tiene que hacerse la renuncia. Y los Estados Unidos exigieron la de España para el pueblo cubano á fin de que se constituyese independiente.

Aunque es verdad que los Estados Unidos de América, en el caso presente, exigieron esto de España, exigieron también que tal renuncia habia de hacerse por su mediación. Los Estados Unidos habían de recibir la Isla de Cuba y conservarla en su poder teniendo su gobierno hasta su pacificación, "abrigando el proposito de *dejar* (no se puede dejar lo que no se tiene) el dominio y gobierno de la Isla al pueblo de esta, una vez realizada dicha pacificación." Así solemnemente se consignó en el articulo 4º de la resolución conjunta de las Cámaras Americanas y en el despacho del Señor Ministro de Estado Americano á su Ministro en Madrid. Y si hasta la pacificación de la Isla no han de dejar su dominio y gobierno los Estados Unidos, es de toda evidencia que entretanto son ellos los que lo han de conservar.

Y efectivamente los Estados Unidos conservaron y conservan en su poder á Santiago de Cuba y los demás territorias de la Isla en que dominan sus armas, sin haberlos entregado al pueblo cubano, por no tener todavía Gobierno que lo represente. Y en el Protocolo de Washington ya citado (articulo 4º), se acordó que la evacuación de la Isla por las tropas españolas y sus detalles se convendrian por una Comision mixta formada por Comisarios del Gobierno Español y Comisarios del Gobierno de Washington, pero no por Comisario del pueblo cubano.

El Gobierno federal es pues, el que, necesariamente, tiene que aceptar la renuncia que hace el de España á la soberanía en la Isla, para conservar esta Isla en su poder y gobernarla hasta que esté pacificada, en cuyo caso, y no antes, según sus propias resoluciones, es cuando se proponen dejar la soberanía de aquel territorio á disposición del Gobierno que se constituya en Cuba.

II.

LA CESIÓN Y LA RENUNCIA DE LA SOBERANÍA COMPRENDEN LAS DE LOS DERECHOS Y DE LAS OBLIGACIONES QUE LA CONSTITUYEN.

El concepto de la Soberanía de un Estado nunca se ha confundido en el mundo antiguo ni mucho menos en el mundo moderno y cristiano, con el concepto del dominio civil y privado y menos aún con el del dominio del señor sobre el esclavo.

El Soberano, es verdad que tiene prerrogativas y derechos sobre el territorio y sus habitantes; pero estas prerrogativas y derechos le corresponden no para su satisfacción y goce, sino para el buen gobierno y bienestar de los pueblos que están á su soberanía sometidos. Por esta razón, los derechos del Soberano se convierten en obligaciones para con sus súbditos. El Soberano tiene obligación de cuidar de su buen régimen y de su progreso y prosperidad. El Soberano no es dueño de los impuestos y rentas que percibe de sus súbditos, para emplearlos y consumirlos en su propio y personal beneficio, sino para invertirlos en le satisfacción de las necesidades públicas y en el bienestar de aquellos. El cumplimiento de estas obligaciones es el fundamento de la legitimidad de sus facultades para celebrar con terceras personas todas las convenciones y contraer todas las obligaciones que sean necesarias para procurarse los recursos precisos al buen régimen y gobierno de sus súbditos y atender el mejor servicio público de los mismos.

Estas obligaciones subsisten desde que se contraen hasta que se cumplen.

Y es de toda evidencia que si durante todo el tiempo intermedio entre la constitución y el cumplimiento de una obligacion de soberanía, el Soberano la pierde por renuncia ú otro título legítimo, la obligación pendiente pasa como parte integrante de la soberanía misma á aquél que en ella le sucede. Sería contrario á la noción mas elemental de la justicia, é incompatible con el dictado de la conciencia universal de las gentes, que un Soberano perdiera sus derechos sobre el territorio y sus súbditos y hubiera de continuar esto no obstante, sometido al cumplimiento de las obligaciones que había creado, exclusivamente, para su régimen y gobierno.

Estas máximas aparecen observadas por todas las naciones cultas que no han querido atropellar los principios eternos de la justicia, incluso aquellas en que estas cesiones se hicieron por la fuerza de las armas y como premio de la victoria en los Tratados sobre cesiones territoriales. Raro es el Tratado en que no ha pasado con el territorio cedido al nuevo Soberano una parte proporcional de las obligaciones generales del Estado cedente, que en la mayoría de los casos tenían la forma de deuda pública.

Pero aún es mas claro el caso á que se refiere la convención que ha de elaborar esta conferencia. Aquí no se trata de transferir, con la Soberanía de Cuba y Puerto Rico una parte proporcional de las obligaciones y cargas generales de la Metropoli, sino tan solo las obligaciones y cargas que son peculiares á las Islas que se ceden y transfieren. Cuando no se trata de obligaciones de conjunto y comunes á todos los territorios sometidos al Soberano que las contrae, sino de obligaciones especiales al territorio mismo cedido y contraídas por sus legítimas Autoridades, ni una sola vez, aún en aquellos Tratados en que el vencedor se ha mostrado mas despiadado con el vencido, han dejado de pasar con el territorio cedido sus propias y peculiares cargas y obligaciones. Así, puede considerarse como cláusula casi obligada, la de que la cesión del territorio lleva consigo la de las obligaciones y deudas dèpartamentales,

comunales y en general hablando, peculiares al territorio de la cesión. El Gran Conquistador de este siglo no se atrevió jamás á violar esta regla de eterna justicia, en todos los Tratados que celebró con aquellos Soberanos, cuyos territorios, en todo ó en parte, convertía en premio de sus victorias.

Pues bién, es de hacer constar, que la soberanía de España jamás dejo de administrar separadamente de la Metrópoli sus colonias en América, desde su descubrimiento. La América Española estuvo siempre gobernada desde la Capital de la Monarquía por un Consejo especial llamado de Indias que en nada intervenía en el régimen y gobierno de la Península, el cual corría á cargo del Consejo llamado de Castilla.

Dividido el territorio descubierto por Colón y por otros ilustres exploradores Españoles (que tan inmenso, aunque no siempre agradecido servicio han prestado á la civilización) en Virreinatos y Capitanías Generales, cada uno de estos pequeños Estados recaudaba sus propios ingresos y cubria sus proprios gastos, ó contraía para cubrirlos las obligaciones que las necesidades de su propio gobierno demandaban; y cuando alguno de estos territorios se hallaba en déficit permanente, como sucedia á la Isla de Cuba, la colonia hermana más próxima acudía á su socorro. El Virreinato de Méjico desde 1766 hasta 1806 auxilió á la Isla de Cuba anualmente con fuertes cantidades para sus atenciones de gobierno y para el desarrollo de su natural riqueza entonces inexplotada, á cuyos gastos no podía, á la sazon, atender con sus recursos propios. Nada menos que 108 millones de pesos entraron en Cuba procedentes de Méjico bajo tal concepto, durante aquel período: conociéndose estos auxilios en la administración colonial Española con el nombre de "situado de Méjico."

En el siglo actual llevó España hasta sus últimas consecuencias este sistema de administración separado é independiente de sus colonias. El Ministerio de Ultramar era el departamento donde se concentraba esta administración. Cada colonia tuvo anualmente su proprio presupuesto y sus déficits; cuando sus propios ingresos no eran bastantes para cubrir sus proprios gastos fueron atendidos por operaciones especiales de deuda consolidada, hipotecaria ó flotante para y por cuenta de la colonia en cuyo beneficio estas operaciones se hicieron.

Y la separación entre la administración de la Península y la colonial fué, durante mucho tiempo tan completa, que el personal de funcionarios públicos para los servicios administrativos y judiciales de las colonias, era peculiar á las mismas, hasta el punto de que estos funcionarios no tenian aptitud legal para ser incluídos en los cuerpos gerárquicos similares de España, ni desempeñar en ella análogas funciones.

Este régimen es bajo el que vino España administrando á Cuba hasta el momento presente.

Sabemos bién que fuera de España se incurre en gravísimos errores, por efecto de no ser conocido el régimen colonial Español, pero es tiempo ya, y sobre todo es necesario, en la occasion presente, que estos errores se desvanezcan, contrastándolos con la verdad de los hechos y con los preceptos de las leyes españolas. Cuba y Puerto Rico nunca han vivido dentro del presupuesto general de la Nacion española ni en este figuraron jamás sus ingresos, ni se incluyeron sus gastos. Todas las obligaciones que están pendientes y hayan sido legalmente creadas para el servicio de Cuba y Puerto Rico y á cargo de sus especiales Tesoros, siempre distintos y separados del Tesoro de la Península, son obligaciones cubanas ó puertorriqueñas, es decir, obligaciones locales, que afectan única y exclusivamente al territorio de las Islas y á sus habitantes.

Lo dicho hasta aquí sobre la naturaleza de las obligaciones coloniales y sobre los obligados á su cumplimiento, jamás lo han desconocido, (dicho sea en su honor), los pueblos Hispano-americanos. Aquellos conquistaron por su propio esfuerzo su independencia y la mayor parte de ellos antes que España la hubiera reconocido, habían, por leyes anteriores y solemnes de sus Cámaras, declarado propias y como las mas privilegiadas de todas las deudas, las que la Corona de España había contraido durante su soberanía, para el servicio de aquellos territorios, y se hallaban registradas en sus respectivos libros de Tesorería.

Son muy contadas las repúblicas hispano-americanas que aguardaron á hacer tan honrada declaración, á que la Metrópoli reconociera su independencia, porque, como decían, la República Argentina en el Tratado que celebró con España en 21 de Septiembre de 1863, y la del Uruguay, en el que celebró en 19 de Julio de 1870, "así como ellas adquirían los derechos y privilegios correspondientes á la Corona de España, contraían también todos sus deberes y obligaciones."

Nótese que las Repúblicas hispano americanas, sin excepción, reconocieron é hicieron suyas estas deudas *de cualquier clase que fueran*, detallándolas en el Tratado de paz con Bolivia de 21 de Julio de 1847, en que se dice que, "comprendían todos los créditos por pensiones, sueldos, suministros, anticipos, fletes, empréstitos forzosos, depósitos, contratos y cualquiera otra deuda, ya de guerra, ya anterior á esta, que pesaren sobre aquellas Tesorerías, siempre que procediesen de órdenes directas del Gobierno Español ó de sus autoridades constituidas en aquellos territorios."

España no reconoció la independencia de ningún Estado americano que antes hubiera sido colonia suya, sino con esta condición, que aquellos Estados expontaneamente declararon en sus respectivos tratados, que era de perfecta justicia.

Su derecho y su dignidad no le permiten reconocer sin esta condicion, que ahora mas que antes, si cabe, continúa siendo de justicia, la independencia de los pueblos cubano y puertoriqueño que estos no han podido conquistar por su propio y exclusivo esfuerzo.

España está dispuesta á ceder la soberanía de Puerto-Rico y demás Islas de las Indias Occidentales, y á renunciar á la Soberanía de la Isla de Cuba, todo á favor de los Estados Unidos, que habrán de aceptarla; poniendo á su disposición esta Soberanía en el estado en que actualmente la posee, y por lo tanto con los derechos y las cargas que actualmente la constituyen. A esto se obligó en los artículos 1° y 2° del Protocolo firmado en Washington en 12 de Agosto último y esto es lo que quiere cumplir con la mas exquisita lealtad en este Tratado.

Está conforme

EMILIO DE OJEDA

[Translation.]

ANNEX 2 TO PROTOCOL NO. 4.

Memorandum succinctly setting forth the grounds or reasons of the proposed articles for the treaty of peace relating to the relinquishment by Spain of her sovereignty over Cuba and Porto Rico, presented to the conference by the Spanish Plenipotentiaries.

The Spanish Plenipotentiaries accept the main idea of the proposed article, as drafted by the American Commissioners, relating to the relinquishment by Spain of her sovereignty over Cuba and the cession of

her sovereignty over Porto Rico; but they are unable to concur in the remaining portions of said draft; because, on the one hand, they understand that part thereof goes beyond the proper scope of said relinquishment and cession; and because, on the other, the said relinquishment and cession as expressed in the said draft do not embody, in other ways, all that it is indispensable they should.

I.

IT IS IMPERATIVE THAT THE PRESIDENT OF THE UNITED STATES SHOULD ACCEPT THE RELINQUISHMENT MADE BY HER CATHOLIC MAJESTY OF HER SOVEREIGNTY OVER THE ISLAND OF CUBA.

The Government of the American Union never demanded that the Spanish Government *abandon* (abandonar) the sovereignty over Cuba, but that it *relinquish* (renunciar) the same, so that the island should become independent. It so appears from the diplomatic correspondence in the possession of the Government of Her Catholic Majesty relating to the negotiation between the two contracting parties prior to the declaration of war. It was also thus declared by the American Congress in the Joint Resolution of April 19 last, subsequently approved by the President of the United States. The first clause of that resolution reads "that the people of Cuba are and of right ought to be free and independent."

So also, on the 20th of the same month, did the Secretary of State in Washington instruct the American Minister in Madrid to say to the Spanish Government, using the identical language of the Joint Resolution, that "Spain should at once relinquish its authority and government in the Island of Cuba."

And so, finally, was it set forth in Article I of the Protocol signed in Washington on the 12th of August last, the official text of which as signed in French and English by the representatives of the two High Contracting Parties reads as follows:

"ARTICLE Ier. L'Espagne renoncera à toute prétention, à sa souveraineté et à tout droit sur Cuba," which literally translated into Spanish is as follows: "España renunciará á toda pretensión á su soberanía y á todo derecho sobre Cuba."

To undertake to explain the essential difference which according to the elementary principles of public international law and the usage of nations exists between the *abandonment* (abandono) and the *relinquishment* (renuncia) of sovereignty, would be to offend the intelligence of the learned American Commissioners.

Abandoned territories can of right be acquired by the first occupant, while *relinquished* territories necessarily pass unto him to whom relinquishment is made. And the United States demanded that Spain relinquish in order that the Cuban people might become independent.

Although it is true that the United States of America demanded this of Spain in the present case, they also demanded that such relinquishment must be made through them. The United States were to receive the Island of Cuba and retain the possession thereof, governing it until its pacification was secured, asserting its "determination to leave [no one can leave what he does not hold] the government and control of the island to its people, as soon as the said pacification is accomplished." So was it solemnly set forth in section 4 of the Joint Resolution of the American Congress and in the despatch of the Secretary of State to the American Minister at Madrid. And if the United States are not to leave the government and control of the island until

the pacification thereof is accomplished, it is self-evident that in the mean time the United States are called upon to administer the one and retain the other.

And in fact the United States held and continue to hold Santiago de Cuba and the other territories of the island where their arms are supreme without having delivered them over to the Cuban people, as the latter have not as yet any Government to represent them. And in the said Protocol of Washington (Article IV) it was agreed that the evacuation of the island by the Spanish troops and the details thereof should be arranged and carried out by a mixed commission consisting of Commissioners appointed by the Washington Government and by the Spanish Government, but not of Commissioners appointed by the Cubans.

The Federal Government is therefore the one which must of necessity accept the relinquishment made by Spain of her sovereignty over the island, so as to retain the latter under its control and government until it is pacified, in which event, and not before, according to its own declarations, it will leave the sovereignty over that territory at the disposal of the Government that may be constituted in Cuba.

II.

THE CESSION AND RELINQUISHMENT OF SOVEREIGNTY EMBRACES THE CESSION AND RELINQUISHMENT OF THE RIGHTS AND OBLIGATIONS CONSTITUTING IT.

The idea of the sovereignty of a state was never confounded in the ancient world, and much less in the modern and Christian world, with the idea of individual or private ownership. Much less still with the authority of the master over the slave.

The sovereign, it is true, has prerogatives and rights over the territory and its inhabitants; but these prerogatives and rights attach to him not for his own satisfaction and enjoyment but for the good government and the welfare of the people subject to his rule. For this reason the rights of the sovereign become obligations with respect to his subjects. The sovereign is bound to see that they have good government and to their progress and prosperity. The sovereign is not the owner of the tax proceeds or of the revenues he receives from his subjects, to be used for his own personal benefit, but to meet with them all public necessities and attend to the public welfare. The fulfilment of these obligations is the foundation of the legitimacy of his authority to enter into conventions and agreements of all kinds with third parties, to contract all the obligations necessary to raise means for the good administration of the government of his subjects, and to attend to the public service in the best possible manner.

These obligations exist from the moment they are contracted until they are fulfilled. And it is perfectly self-evident that if during the period intervening between the assumption by a sovereign of an obligation and the fulfilment of the same, he shall cease to be bound thereby through relinquishment or any other lawful conveyance, the outstanding obligation passes as an integral part of the sovereignty itself to him who succeeds him. It would be contrary to the most elementary notions of justice and inconsistent with the dictates of the universal conscience of mankind for a sovereign to lose all his rights over a territory and the inhabitants thereof, and despite this to continue bound by the obligations he had contracted exclusively for their regime and government.

These maxims seem to be observed by all cultured nations that are unwilling to trample upon the eternal principles of justice, including those in which such cessions were made by force of arms and as a reward

for victories through treaties relating to territorial cessions. Rare is the treaty in which, together with the territory ceded to the new sovereign, there is not conveyed a proportional part of the general obligations of the ceding state, which in the majority of cases have been in the form of a public debt.

But the case to which the convention to be framed by this conference refers is clearer still. It is not the purpose here to transfer, together with the sovereignty over Cuba and Porto Rico, a proportional part of the obligations and general charges of the mother country, but only the obligations and charges attaching individually to the islands ceded and transferred. When not treating of general obligations common to all the territories subject to the sovereign contracting the same, but of the special obligations of the particular territories ceded which were contracted by its legitimate authorities, in no single case, not even in those treaties in which the victor has shown himself most merciless towards the vanquished, have the individual and separate charges and obligations of a ceded territory failed to pass therewith. Thus it may be considered as an absolutely essential condition that the cession of territory carries with it the cession of the departmental, communal, and, generally speaking, individual obligations and debts of the ceded territory. The Great Conqueror of this century never dared to violate this rule of eternal justice in any of the treaties he concluded with those sovereigns whose territories he appropriated in whole or in part, as a reward for his victories.

Very well; it must be recorded that the sovereignty of Spain never ceased to administer its colonies in America, from the time of the discovery, separate from the mother country. Spanish America was always governed from the capital of the monarchy by a special council called "Council of the Indies", which in no wise interfered in the régime and government of the Peninsula, which was under a council designated as the "Council of Castile".

The territory discovered by Columbus and other illustrious Spanish explorers who have rendered such great though not always appreciated services to civilization being divided into vice-royalties and captainciesgeneral, each of these small states collected its own revenues and met its own expenses, or contracted obligations to meet the necessities of its own separate government; and when one of these territories found itself with a permanent deficit, as was the case in the Island of Cuba, the nearest sister-colony came to its rescue. The Vice-royalty of Mexico from 1766 to 1806 annually assisted the Island of Cuba with heavy sums for its governmental needs and the development of its natural resources, at the time unexploited, which expenses it could not, at such time, meet from its own revenues. Not less than 108 millions of pesos came into Cuba from Mexico during that period, this assistance being known in the Spanish colonial administration under the name of "*Situado de México.*"

During the present century Spain carried to the last extreme this system of the separate and independent administration of its colonies. The Ministry of the Colonies was the department where this administration was centered. Each colony had annually its own budget and deficits. When its own revenues were not sufficient to cover its own expenses, these were met by special operations in the way of consolidated, mortgage or floating debts, and were chargeable to the colony for whose benefit such operations were conducted.

And the separation of the administration of the Peninsula and the colonies was for a long time so complete, that the body of public

employees in the executive and judicial services of the colonies was separate and independent, to the extent that these employees had not the legal capacity to be included in the similar hierarchical bodies of Spain, or to discharge therein like functions.

This régime is the one under which Spain has been administering Cuba up to the present time.

We are well aware that outside of Spain grave errors are fallen into, owing to the Spanish colonial system being unknown: but it is high time and above all at this juncture is it necessary that these errors be dissipated by comparing them with the actual facts and the provisions of Spanish laws. Cuba and Porto Rico have never been included in the general budget of the Spanish nation, nor have their revenues ever figured therein, which is also true of their expenditures. All outstanding obligations that have been legally contracted for the service of Cuba and Porto Rico, and which are chargeable to their individual treasuries, always distinct and separate from the treasury of the Peninsula, are Cuban or Porto Rican obligations, that is, local obligations, solely and exclusively affecting the territory of the islands and their inhabitants.

What has been said up to this point regarding the nature of the colonial obligations and those bound thereby, has never been disregarded (to their honor be it said) by the Spanish-American peoples. They achieved their independence through their own efforts, and the majority of them, before Spain had recognized it, had by prior and solemn act of their legislatures, declared as their own and as having preference those debts which the Crown of Spain had contracted during the continuance of its sovereignty for the service of such territories, and which debts were recorded in their respective treasury books.

Very few of the Spanish-American Republics delayed so honorable a declaration until the mother country had recognized their independence, as was said by the Argentine Republic in the treaty concluded with Spain on September 21, 1863, and by Uruguay, in that concluded on July 19, 1870: "Just as they acquired the rights and privileges belonging to the Crown of Spain, they also assume all its duties and obligations."

Note that the Spanish-American republics without exception recognized and assumed as their own these debts *of every kind whatsoever*, specifying them in the treaty of peace with Bolivia of July 21, 1847, wherein it is stated that they "include all debts for pensions, salaries, supplies, advances, transportation, forced loans, deposits, contracts, and any other debt incurred during war times or prior thereto, chargeable to said treasuries; provided they were contracted by direct orders of the Spanish Government or its constituted authorities in said territories."

Spain did not recognize the independence of any American state which had previously been her colony save upon this condition, which those states spontaneously incorporated in their respective treaties, as of right they should.

Her right and her dignity will not permit her to recognize—without this condition, which now more than ever if possible is still just and proper—the independence of the Cuban and Porto Rican peoples, which they have not been able to achieve by their own unaided efforts.

Spain is disposed to cede the sovereignty over Porto Rico and other islands of the West Indies, and to relinquish the sovereignty over the Island of Cuba, all in favor of the United States, which shall accept the same; she placing this sovereignty at their disposal in the condition in which she now holds it, and therefore, with the rights and charges at present constituting it. She bound herself to this by Articles I and II

of the Protocol signed at Washington on August 12 last, and this is what she desires to carry out with the strictest faith in the present treaty.

True copy:

EMILIO DE OJEDA.

PROTOCOL No 5.

Conference of October 14, 1898.

Present: On the part of the United States: Messrs. Day, Davis, Frye, Gray, Reid, Moore, Fergusson.

On the part of Spain: Messrs: Montero Rios Abarzuza Garnica Villa-Urrutia, Cerero, Ojeda.

The protocol of the preceding session was read and approved.

The American Commissioners presented a reply to the memorandum submitted by the Spanish Commissioners at the last session on the relinquishment of sovereignty over Cuba and the transfer of debts. The paper was read, and a copy of it is hereto annexed.

The Spanish Commissioners, referring to the paper in which the American Commissioners rejected at the conference of the 11th instant the articles presented by the Spanish Commissioners at the conference of the 7th, on the subject of Cuba and Porto-Rico, called attention to the following sentence:

"To the American Commissioners this appears to be not a proposition to 'relinquish all claim of sovereignty over and title to Cuba,' but in substance a proposition to 'transfer' to the United States and in turn to Cuba a mass of Spanish charges and obligations."

The Spanish Commissioners desired a modification of this sentence on the ground that it might be thought to imply that they were not acting in good faith.

The American Commissioners stated that in their opinion the sentence did not convey such an

PROTOCOLO No. 5.

Conferencia del 14 de Octubre de 1898.

Presentes. Por parte de los Estados Unidos de América los Señores Day, Davis, Frye, Gray, Reid, Moore, Fergusson.

Por parte de España los Señores Montero Ríos Abarzuza, Garnica, Villa-Urrutia, Cerero, Ojeda.

El protocolo de la sesión anterior fué leído y aprobado.

Los Comisionados Americanos presentaron uno, contestación al Memorandum que los Comisionados Españoles sometieron en la última sesión acerca de la renuncia de la soberanía sobre Cuba y la transferencia de sus deudas. El documento fué leído incluyéndose una copia anexa á esta acta.

Los Comisionados Españoles, refiriéndose al escrito en el cual los Comisionados Americanos rechazaron en la Conferencia del día 11 del corriente los artículos presentados por los Comisionados Españoles en la conferencia del 7, acerca de Cuba y Puerto Rico, llamaron la atención sobre la siguiente frase:

"Creen los Comisionados Americanos que esto no parece ser una proposición para renunciar á toda pretensión de soberanía y á todo derecho sobre Cuba, sino más bien una proposición para transferir á los Estados Unidos y estos á su vez á Cuba, una masa de cargas y obligaciones españolas."

Los Comisionados españoles pidieron la modificación de esta frase fundándose en que pudiera implicar que ellos no procedían de buena fé.

Los Comisionados Americanos manifestaron que en su opinión la frase no tenía tal interpretación,

imputation, but, out of deference to the Spanish Commissioners, they altered it so as to read as follows:

"To the American Commissioners this appears to be not a proposition to 'relinquish all claim of sovereignty over and title to Cuba,' but in effect a proposition to 'transfer' to the United States and in turn to Cuba a mass of charges and obligations which, in the opinion of the American Commissioners, properly belong to Spain."

This matter having been disposed of, the Spanish Commissioners stated that, before proceeding with the discussion of the questions under consideration, they desired it to be understood that, if certain articles should be agreed to, but in the end no treaty should be signed, the articles so agreed to should not in such case be taken as expressing either Government's estimation of its just rights in respect of the subjects to which the articles related.

The American Commissioners concurred in this view.

The Joint Commission then proceded to the oral discussion of the points discussed in the Spanish memorandum of October 11 and the American reply of to-day.

After the discussion of the first point,—the question whether the sovereignty over Cuba should be relinquished to the United States—was exhausted, without any agreement having been reached upon it, the American Commissioners proposed to take up the second point,—the question whether charges and obligations constituted a part of the sovereignty and as such passed with it.

The Spanish Commissioners suggested that if no agreement could be reached on the first point, it seemed te be needless to discuss the second.

The American Commissioners, concurring in this view, proposed that, owing to the lateness of the

pero que por deferencia á los Comisionados Españoles, la modificaban en los términos siguientes:

"Creen los Comisionados Americanos que esto no parece ser una proposición para renunciar á toda pretensión de soberanía y á todo derecho sobre la Isla de Cuba, sino que en realidad es una proposición para transferir á los Estados Unidos y estos á Cuba una masa de cargas y obligaciones que en opinión de los Comisionados Americanos pertenecen realmente á España."

Resuelto esto asunto, los Comisionados Españoles manifestaron que antes de proceder á la discusión de las cuestiones sometidas á estudio, deseaban que se estableciera, que si algunos artículos fuesen aprobados, pero que al final no se llegase á firmar un Tratado, tales artículos aprobados no deberían en ningún caso ser considerados como expresando la opinión de cualquiera de los Gobiernos sobre sus justos derechos respecto á los asuntos á los cuales dichos artículos se referían.

Los Comisarios Americanos aceptaron esta proposición.

Luego la Comisión procedió á la discusión oral de los puntos que se tratan en el Memorandum Español del 11 de octubre y á la contestación Americana presentada hoy.

Y habiéndose discutido, sin que se llegase á un acuerdo el primer punto, relativo á si la soberanía sobre Cuba debería renunciarse á favor de los Estados Unidos, los Comisarios Americanos propusieron continuar con el segundo ó sea la cuestión de si las cargas y obligaciones constituían una parte de la soberanía y como tales debían transmitirse con esta.

Los Comisionados Españoles indicaron que si no se podía llegar á un acuerdo en el primer punto, no parecía oportuno continuar la discusión del segundo.

Los Comisionados Americanos opinaron de la misma manera y propusieron que dado lo avanzado

hour, the conference be adjourned to continue the discussion of the first point at the next session, which should be held on Monday, the 17th of October, at two o'clock, p. m.

The Spanish Commissioners agreeing, the conference was adjourned accordingly.

WILLIAM R. DAY
CUSHMAN K. DAVIS
WM. P FRYE
GEO. GRAY
WHITELAW REID.
JOHN B. MOORE.

de la hora, se aplazara la conferencia para continuar la discusión del primer punto en la proxima sesión, que se celebrará el Lunes 17 de Octubre á las dos de la tarde.

Los Comisionados Españoles aprobaron esta moción y en su consecuencia se suspendió la conferencio.

E. MONTERO RÍOS
B. DE ABARZUZA
J. DE GARNICA
W R DE VILLA URRUTIA
RAFAEL CERERO
EMILIO DE OJEDA

ANNEX TO PROTOCOL NO. 5.

The American Commissioners hereby present their reply to the memorandum which the Spanish Commissioners, under the rules of the Commission, submitted on the 11th instant, for the purpose of giving their reasons in support of the articles which the American Commissioners had rejected, in relation to Cuba and Porto Rico.

I.

The Spanish memorandum, referring to the demands of the United States before the war, to the joint resolution of Congress, and to the language of Article I of the Protocol of August 12, 1898, maintains that it is "imperative" that the United States "should accept the relinquishment made by Her Catholic Majesty of her sovereignty over the Island of Cuba". This contention is based upon the fact that in the various documents referred to the United States required Spain to "relinquish" her sovereignty, but did not demand that she "abandon" it.

A distinction is thus made between a *relinquishment* and an *abandonment;* and it is argued that while "*abandoned territories*" become derelict, so that they may be acquired by the first occupant, "*relinquished territories*" necessarily pass to him to whom relinquishment is made.

The American Commissioners are unable to admit that such a distinction between the words in question exists either in law or in common use.

The word "relinquish", as defined in the English dictionaries, means "to give up the possession or occupancy of; withdraw from: leave; abandon; quit." Again: "to renounce a claim to; resign; as, to *relinquish* a debt."

On the other hand, we find in that great monument of Spanish learning, the law dictionary of Escriche (*Diccionario de Legislacion y Jurisprudencia*), under the word *renunciar*, which the Spanish memorandum declares to be the equivalent of the French word *renoncer* (used in Spain's version of the Protocol) and of the English word "relinquish", the following definition: "The voluntary giving up of a right exercised or expected to be exercised, or of a thing held or possessed or expected to be held or possessed."

Commenting upon this definition, Escriche says:

"The relinquishment differs from the cession in that the latter requires for its completion the concurrence of the wills of the grantor and the grantee and a just cause for the transfer, while the former is perfect with only the will of the relinquisher. The effect of the relinquishment is confined to the abdication or dropping of the right or thing relinquished. The effect of the cession is the conveyance of the right to the grantee."

The distinction thus drawn, not between *relinquishment* and *abandonment*, which are treated both in English and in Spanish as practically the same, but between *relinquishment* and *cession*, is written upon the face of the Protocol, which, while obligating Spain (Article I) to "relinquish all claim of sovereignty over and title to Cuba," in the next article requires her to "cede to the United States the Island of Porto Rico and other islands now under Spanish sovereignty in the West Indies, and also an island in the Ladrones, to be selected by the United States".

If it were true, as maintained in the Spanish memorandum, that the act of relinquishment includes, and requires for its completion, the process of legal transfer from one hand to another, and thus constitutes in form and in effect a cession, it is obvious that the contracting parties, in framing the Protocol, employed, in stipulations which were deliberately separated and sharply contrasted, different words to express the same meaning.

The American Commissioners understand the Spanish memorandum to maintain that their Government, prior to the war, demanded of Spain, in effect if not in words, the relinquishment of her sovereignty over Cuba to the United States. The Spanish memorandum doubtless refers to the demand a copy of which was communicated by the Secretary of State of the United States to the Spanish Minister at Washington on the 20th of April last. The precise words of this demand are "that the Government of Spain at once relinquish its authority and Government in the island of Cuba and Cuban waters"; and the demand is accompanied by the declaration that the United States, in taking the step, "disclaims any disposition or intention to exercise sovereignty, jurisdiction, or control over said island except for the pacification thereof, and asserts its determination, when that is accomplished, to leave the government and control of the island to its people under such free and independent Government as they may establish".

To this demand the United States required by a certain time "a full and satisfactory response * * *, whereby the ends of peace in Cuba shall be assured".

From the demand thus fully set forth, the Spanish memorandum extracts the assertion by the United States of its determination "to leave the government and control of the island to its people," and, omitting both what precedes and what follows, construes that assertion as a demand "that such relinquishment must be made through them" (the United States). The demand as a whole, however, carefully and clearly excludes this construction. Not only is the assertion preceded, in the same sentence, by an express disclaimer on the part of the United States of any disposition or intention to take the sovereignty of the island, but the assertion itself includes an express declaration of a determination to allow the island to remain, after pacification, "under such free and independent Government" as may be established by its people.

To this construction of the demand we may apply a simple test. If

Spain had answered that she would relinquish her sovereignty over the Island of Cuba, and had at the same time declared that it was not her intention to relinquish it to the United States, would anyone have imagined that she had failed to make "a full and satisfactory response" to the demand?

II.

The second part of the Spanish memorandum is devoted to an argument to maintain the proposition that "the cession and relinquishment of sovereignty embraces the cession and relinquishment of the rights and obligations constituting it."

The American commissioners are not disposed to comment upon the indefiniteness of this proposition, or upon the fallacies involved in treating the obligations which a sovereign may incur in the exercise of his sovereignty as a part of the sovereignty itself. National sovereignty (*soberanía nacional*), as defined by high Spanish authority (*Novísimo Diccionario enciclopédico de la lengua castellana*, por D. Delfín Donadin y Buignau, based on the Dictionary of the Spanish Academy), is "the right which a nation has of organizing the public powers in such a way as it may deem advisable." This right, though it includes the power to contract obligations, is in no sense composed of them. The thing done in the exercise of sovereignty is not a part of the sovereignty itself; the power to create is not the thing created. Nor is it possible to shut our eyes to the fact that in the Spanish memorandum the term obligations is used indiscriminately in respect of two different things, namely, the duties which a sovereign as such owes to his subjects, and the debts which he may specially contract in the exercise of his sovereign power for his own purposes.

With these preliminary observations, the American Commissioners proceed to the consideration of the specific matter before them.

The American Commissioners note the declaration in the Spanish memorandum that there is no purpose now to transfer with the sovereignty of Cuba and Porto Rico a proportional part of the national debt of Spain, but "only the obligations and charges attaching individually to the islands," which obligations and charges it likens to the local debts which pass with ceded territory. It appears, however, by the explanation given in the memorandum of the origin of these charges and obligations, and of the manner in which they were contracted, that they include the whole of what is commonly called the Cuban debt. The American Commissioners, therefore, while reaffirming their position as to the exclusion by the Protocol of any proposal for the assumption of such charges and obligations, will examine the subject in some of its aspects.

It is true that the financial department of the Island of Cuba, commonly called the "Cuban Treasury," was not a branch of the Spanish Treasury, but it is equally true that it was accountable to the Spanish Secretary for the Colonies, the *Ministro de Ultramar*, and that it was managed by a body of officials appointed by the Crown, at whose head was a high functionary, called *Intendente General de Hacienda*. In each year a budget was made up by the Spanish Colonial Secretary on data furnished by the *Intendente General*, and this budget was submitted to and acted upon by the Cortes. If in any year the revenues collected in Cuba were insufficient to meet the burdens imposed upon them, the deficit was charged to the island, and formed a new item of the Cuban debt. It thus appears that the finances of the island were exclusively

controlled by the Spanish Government, and that the debt was in no sense created by Cuba as a province or department of Spain, or by the people of the island. In reality it is notorious that the denial to Cuba of any financial autonomy and of any power to protect herself against the imposition by Spanish officials of enormous burdens for purposes foreign and adverse to her interests, has been the most prolific source of discontent in the island. The debt creating power, such as commonly belongs to communes or municipal corporations, never was delegated to Cuba. Such a thing as a Cuban obligation, created by the island in the exercise of powers either inherent or delegated, is unknown to the markets of the world.

Having briefly sketched the system of financial administration with respect to Cuba, we may consider the origin of the debt.

Prior to 1861 no so-called Cuban debt existed.

The revenues of the island were as a rule far more than sufficient to pay the expenses of its government, and produced in each year a surplus. This surplus was not expended for the benefit of the island, but was sent to Madrid. The surpluses thus disposed of amounted, from 1856 to 1861 inclusive, to upwards of $20,000,000.

In 1864, in order to meet the national expenses of the attempt to "reincorporate" San Domingo into the Spanish dominions, and of the "expedition to Mexico", the Spanish authorities issued bonds to the amount of $3,000,000. Subsequently new loans were made, so that the so-called Cuban debt had swollen by 1868 to $18,000,000.

In that year the ten years war for Cuban independence broke out, a war produced by causes so generally conceded to be just as to need no exposition on this occasion. All the expenses of this war were imposed upon Cuba, so that in 1880, according to a statement made at Madrid in that year by a Spanish Secretary for the Colonies, the so-called Cuban debt amounted to upwards of $170,000,000.

Subsequently the Spanish Government undertook to consolidate these debts, and to this end created in 1886 the so-called *Billetes hipotecarios de la Isla de Cuba*, to the amount of 620,000,000 pesetas, or $124,000,000. The Spanish Government undertook to pay these bonds and the interest thereon out of the revenues of Cuba, but the national character of the debt was shown by the fact that, upon the face of the bonds, "the Spanish nation" (*la Nación española*) guaranteed their payment. The annual charge for interest and sinking fund on account of this debt amounted to the sum of 39,191,000 pesetas, or $7,838,200, which was disbursed through a Spanish financial institution, called the *Banco Hispano-Colonial*, which is said to have collected daily from the custom house at Havana, through an agency there established, the sum of $33,339.

In 1890 a new issue of bonds was authorized by the Spanish Government, to the amount, as it is understood, of 875,000,000 pesetas, or $175,000,000, with the same guarantee as before, apparently with a view to refund the prior debt, as well as to cover any new debts contracted between 1886 and 1890. It seems, however, that only a small number of these bonds had been disposed of when in February, 1895, the last insurrection and movement for independence broke out. The Government of Spain then proceeded to issue these new bonds for the purpose of raising funds with which to suppress the uprising, so that those outstanding on January 1, 1898, amounted, according to published reports, to 858,550,000 pesetas, or $171,710,000. In addition to these a further loan, known as the "Cuban War Emergency Loan", was, as the Ameri-

can Commissioners are advised, floated to the amount of 800,000,000 pesetas, or $160,000,000, represented by what are called "five per cent peseta bonds".

Although it does not appear that any mention is made in these bonds of the revenues of Cuba, it is understood that they are regarded in Spain as properly constituting a part of the "Cuban Debt", together with various unliquidated debts, large in amount, incurred by the Spanish authorities in opposing by arms the independence of Cuba.

From no point of view can the debts above described be considered as local debts of Cuba or as debts incurred for the benefit of Cuba. In no sense are they obligations properly chargeable to that island. They are debts created by the Government of Spain, for its own purposes and through its own agents, in whose creation Cuba had no voice.

From the moral point of view, the proposal to impose them upon Cuba is equally untenable. If, as is sometimes asserted, the struggles for Cuban independence have been carried on and supported by a minority of the people of the island, to impose upon the inhabitants as a whole the cost of suppressing the insurrections would be to punish the many for the deeds of the few. If, on the other hand, those struggles have, as the American Commissioners maintain, represented the hopes and aspirations of the body of the Cuban people, to crush the inhabitants by a burden created by Spain in the effort to oppose their independence, would be even more unjust.

The American Commissioners deem it unnecessary, after what has been stated, to enter into an examination of the general references, made in the Spanish memorandum, to cases in which debts contracted by a state have, upon its absorption, been assumed by the absorbing state, or to cases in which, upon the partition of territory, debts contracted by the whole have been by special arrangement apportioned. They are conceived to be inapplicable, legally and morally, to the so-called "Cuban Debt", the burden of which, imposed upon the people of Cuba without their consent and by force of arms, was one of the principal wrongs for the termination of which the struggles for Cuban independence were undertaken.

The American Commissioners have deemed it due to the Spanish Commissioners and to themselves to make these observations upon the general subject of Cuban "charges and obligations", apart from the special circumstances under which the present negotiations were begun. But, as they have heretofore stated, they consider the subject to be disposed of beyond all question by the Protocol. The suggestion that their government should assume, either for itself or for Cuba or Porto Rico, the burden of the "charges and obligations" now in question was not put forward during the negotiations that resulted in the conclusion of that convention, nor, if it had been so put forward, would it have been for a moment entertained by the United States.

From unselfish motives, of which it is unnecessary to make a renewed declaration, the Government of the United States, at great sacrifice of life and treasure, has prosecuted the conflict which followed its demand for the relinquishment by Spain of sovereignty over Cuba.

One of the results of that conflict is the unconditional agreement, embodied in the first article of the Protocol, that Spain "will relinquish all claim of sovereignty over and title to Cuba". Upon the simple fulfilment of that stipulation the American Commissioners are obliged to insist.

True copy:

JOHN B. MOORE.

PROTOCOL No. 6.

Conference of October 17, 1898.

Present On the part of the United States Messrs. Day Davis Frye Gray Reid Moore Fergusson.

On the part of Spain Messrs. Montero Rios Abarzuza Garnica Cerero.

Messrs. Villa-Urrutia and Ojeda were absent because of illness.

The protocol of the preceding session was read and approved.

The President of the Spanish Commission stated that, without making any formal protest, he desired to bring to the attention of the American Commissioners the fact that he had received from his Government a telegram referring to reports to the effect that two American men-of-war were about to leave American ports with reenforcements of troops for the garrison at Manila, and that Spanish prisoners in the possession of the Tagalos are ill-treated. He would not read the telegram, but as such reports tended to excite the public mind and embarrass the efforts to establish peace and concord between the two nations, he hoped that the American Commissioners would bring the matter to the knowledge of their Government.

The President of the American Commission replied that the American Commissioners possessed neither information nor instructions such as would enable them to deal with the subject, which properly belonged to the two Governments, but that, prompted by motives similar to those avowed by the President of the Spanish Commission, they would communicate to their Government the fact that the reports in question had been brought to their attention

The discussion of the business before the Joint Commission hav-

PROTOCOLO Nº 6.

Conferencia del 17 de Octubre de 1898.

Presentes Por parte de los Estados Unidos de América. los Señores Day, Davis, Frye, Gray, Reid, Moore, Fergusson.

Por parte de España. los Señores Montero Rios, Abarzuza, Garnica, Cerero.

Los Comisarios españoles informan á los Americanos que los Señores Villa-Urrutia y Ojeda no pueden asistir á la conferencia por hallarse enfermos.

Se leyó y fué aprobada el acta anterior.

El Señor Presidente de la Comisión Española, sin hacer una reclamación concreta, llama la atención de los Señores Comisarios Americanos acerca de un telegrama que ha recibido del Gobierno Español relativo al envío á Manila de dos buques de guerra Americanos y refuerzos de tropas á la guarnición de Manila, así como á los malos tratamientos de que son víctimas los españoles prisioneros de los tagalos, y sin leer dicho telegrama, ruega á los Señores Comisionados Americanos lo pongan en conocimiento del Gobierno de Washington á fin de evitar que esos hechos fomenten la efervescencia del espíritu público y enardeciendo las pasiones creen dificultades para la obra de paz y concordia entre ambas Naciones.

El Señor Presidente de los Comisarios Americanos manifiesta en contestación que carecían de informes é instrucciones necesarios para tratar tal asunto, de la competencia única de los dos Gobiernos, pero que inspirandose en iguales fines, ó sea conseguir una paz duradera, comunicará á Washington los deseos expresados por los Señores Comisarios españoles.

Entrando en la orden del día, la Comisión continuó la deliberación

ing been resumed, the Spanish Commissioners stated that although the articles presented by them were not couched in the same words as the Protocol of August 12, 1898, and the propositions in the notes preceding its conclusion, the sense was in their opinion, the same Still, they were ready to withdraw their articles, and to substitute for them articles more nearly in conformity with the language of the Protocol.

The American Commissioners, in response to this statement, presented a paper, copy of which is hereto annexed, in which, while recognizing the fact that the Government of the United States assumed all responsibilities for protection of life and property that legally attach to it during the occupation of Cuba, they finally declined to assume the burden of the so-called Cuban debt, either for the United States or for Cuba, and offered as a substitute for the articles previously presented by them the precise stipulations of Articles I and II of the Protocol, as to Cuba, Porto Rico, and other islands in the West Indies, and the island to be ceded in the Ladrones.

The Spanish Commissioners stated that they reserved the right to examine this proposal and to present another draft of articles which should conform to the Protocol.

The conference was then adjourned to the 19th instant at two o'clock, p. m.

WILLIAM R. DAY
CUSHMAN K. DAVIS
WM. P FRYE
GEO. GRAY
WHITELAW REID.
JOHN B. MOORE.

iniciada en la conferencia anterior, manifestando el Señor Presidente de los Comisarios españoles, que si bien el articulado que habian propuesto no estaba redactado en las mismas palabras empleadas en el Protocolo de 12 de Agosto de 1898, y en los despachos que mediaron para llegar á su conclusión, en su opinión, el sentido es el mismo, pero que estaban dispuestos á retirarlas ó reformarlas más en consonancia con los términos usados en el texto del Protocolo.

En contestacion los Comisarios Americanos presentaron un documento de que es copia anexa, en el cual, al propio tiempo que declaran que el Gobierno de los Estados Unidos asume las responsabilidades inherentes á la protección de vidas y haciendas en Cuba, mientras dure la ocupación de Cuba, declinan finalmente el asumir la carga de la Deuda cubana, tanto para los Estados Unidos como para Cuba. Asimismo proponen sustituir los articulos propuestos por ellos con las estipulaciones precisas de los Artículos I y II del Protocolo referentes á Cuba, Puerto Rico é islas de las Antillas y la isla de las Ladrones, que ha de ser cedida.

Los Comisarios Españoles manifestaron que se reservaban el derecho de estudiar la moción presentada, á fin de presentar otro proyecto de artículos con arreglo al Protocolo, levantándose la sesión después de haber convenido el volver á reunirse el día 19 del corriente á las 2 de la tarde.

E. MONTERO RÍOS
B. DE ABARZUZA
J. DE GARNICA
W R DE VILLA URRUTIA
RAFAEL CERERO
EMILIO DE OJEDA

ANNEX TO PROTOCOL NO. 6.

The American Commissioners having listened with great respect to the arguments orally urged by the Spanish Commissioners, in support of the articles offered by them, as well as duly considered the written

memorandum submitted in support of the same, must adhere to the rejection thereof as stated in the memorandum of the American Commissioners read to the Commission and attached to the protocol of the 11th instant. The chief additional reason adduced in the oral presentation for the acceptance of sovereignty by the United States in Cuba is that without such acceptance the people of Cuba notably of Spanish origin will have no protection of person and property. The United States recognizes in the fullest measure that in requiring the relinquishment of all claim of Spanish sovereignty and the evacuation of the Island of Cuba it has assumed all the obligations imposed by the canons of international law and flowing from its occupation. The United States, so far as it has obtained possession, has enforced obedience to law and the preservation of order by all persons. It has no disposition to leave the island a prey to anarchy or misrule.

As the Spanish Commissioners strenuously urge that the acceptance of sovereignty includes the assumption of the so-called Cuban debt, and as it is evident that this question divides the Commission and stays its progress, the American Commissioners, having carefully considered the arguments of the Spanish Commissioners, must again and finally decline to accept this burden either for the United States or for Cuba. In the articles proposed by the American Commissioners on the third instant there were contained certain stipulations which, the American Commissioners believed, while not enlarging the Protocol, would effectually preserve the evidence of title to property and make clear the nature of public property and rights included in the relinquishment of sovereignty and title. It having been urged that these, no less than the articles proposed by the Spanish Commissioners, enlarge the terms of the Protocol, the American Commissioners are now prepared, for the purpose of disposing of the question of Cuba, Porto Rico and Guam, simply to embody in the treaty the precise stipulations of the Protocol on those subjects, neither adding thereto nor subtracting therefrom.

The American Commissioners, therefore, offer as a substitute for the articles heretofore presented by them, the following:

"ARTICLE I.—Spain hereby relinquishes all claim of sovereignty over and title to Cuba.

"ARTICLE II.—Spain hereby cedes to the United States the Island of Porto Rico and other islands now under Spanish sovereignty in the West Indies, and also the Island of Guam in the Ladrones."

True copy:

JOHN B. MOORE.

PROTOCOL NO. 7.

Conference of October 21, 1898.

In the protocol of the conference of October 17th, it is stated that an adjournment was taken to Wednesday the 19th. On the 18th of October the President of the Spanish Commission made to the President of the American Commission a request that the next meeting be postponed to the 21st. of October, in order that the Spanish Commis-

PROTOCOLO NO. 7.

Conferencia del 21 de Octubre de 1898.

En el acta de la sesión del 17 del corriente, se fijó el día 19 para la próxima conferencia, pero habiendo rogado el Presidente de la Comisión Española el día 18, al Presidente de la Comisión americana, que se aplazase dicha conferencia para el 21, á fin de que los Comisionados Españoles pudiesen presentar en ella ciertos documentos,

sioners might have an opportunity to prepare certain papers for submission to the Joint Commission.

The reassembling of the Joint Commission was therefore postponed until Friday, the 21st of October, at two o'clock, p. m., at which hour there were present:

On the part of the United States: Messrs. Day, Davis, Frye, Gray, Reid, Moore, Fergusson.

On the part of Spain: Messrs: Montero Rios Abarzuza Garnica Villa-Urrutia, Cerero, Ojeda.

The protocol of the preceding session was read and approved.

The American Commissioners stated that they, had telegraphed to their Government the representations made to them by the Spanish Commissioners at the last session, as to the reports of the sending of two American men-of-war with reinforcements for the garrison at Manila and of the ill treatment of Spanish prisoners by the Tagalos, but that they had as yet received no reply, probably because of the absence of the President from Washington.

The Spanish Commissioners expressed their thanks for the action of the American Commissioners.

The Spanish Commissioners stated that they regretted to reject the proposals presented by the American Commissioners at the last session, and that they therefore presented certain articles as a substitute for the articles previously submitted by them in relation to Cuba and Porto Rico.

An adjournment was taken to Monday, the 24th of October at two o'clock, p. m., in order that an opportunity might be afforded for the translation and examination of the new articles.

WILLIAM R. DAY
CUSHMAN K. DAVIS
WM. P. FRYE
GEO. GRAY
WHITELAW REID.
JOHN B. MOORE

se convino en que se aplazase hasta dicha fecha y en virtud de este acuerdo se reunen hoy á las 2 de la tarde las dos Comisiones hallándose presentes.

Por parte de los Estados Unidos de América. los Señores Day, Davis, Frye, Gray, Reid, Moore, Fergusson.

Por parte de España los Señores Montero Rios, Abarzuza, Garnica, Villa-Urrutia, Cerero Ojeda

Se leyó y fué aprobada el acta de la sesion anterior.

Los Comisionados Americanos manifestaron que habían telegrafiado á su Gobierno lo que los Españoles les encargaron transmitirle respecto del envío de dos buques de guerra americanos con refuerzos para la guarnicion de Manila y del mal trato que á los prisioneros españoles daban los tagalos, pero que aún no habían recibido contestación, debido probablemente á la ausencia de Washington del Presidente.

Los Comisionados Españoles expresaron con este motivo su agradecimiento á los Americanos.

Los Comisionados Españoles manifestaron que sentian tener que rechazar los artículos presentados por los Comisionados Americanos en la última sesión, y que en consecuencia presentaron entonces un nuevo proyecto de artículos de tratado destinado á sustituir á los que presentaron anteriormente, relativos á Cuba y á Puerto Rico.

Con el objeto de permitir la traducción y el examen de estos nuevos artículos, se convino en que la próxima sesión tendria lugar el Lunes 24 del corriente á las 2 P. M.

E. MONTERO RIOS
B. DE ABARZUZA
J. DE GARNICA
W R DE VILLA URRUTIA
RAFAEL CERERO
EMILIO DE OJEDA

Annex to Protocol No. 7.

COMISION PARA LA NEGOCIACION DE LA PAZ CON LOS ESTADOS UNIDOS

Articulo 1°.

Su Majestad Católica la Reina Regente de España, en nombre de su augusto hijo Don Alfonso XIII, Rey de España, constitucionalmente autorizada por las Cortes del Reino, renuncia á su soberanía y á todo derecho sobre Cuba.

Los Estados Unidos de América, aceptando esta renuncia, reciben de España la Isla de Cuba para prestarle ayuda y dirección y tenerla en su dominio y gobierno hasta que, una vez realizada su pacificación, dejen dicho dominio y gobierno al pueblo cubano.

Articulo 2°.

La renuncia y transferencia que hace Su Majestad Católica y que aceptan los Estados Unidos de América, comprende:

1. Cuantas prerrogativas, atribuciones y derechos correspondan á Su Majestad Católica, como parte de su soberanía sobre la Isla de Cuba y sus habitantes.

2. Cuantas cargas y obligaciones pecuniarias pendientes al ratificarse este Tratado de paz, que previo un minucioso exámen de su origen, objeto y condiciones de su creación, deban reputarse, según derecho estricto ó innegable equidad, distintas de las que son propias y peculiares del Tesoro de la Península y haber sido siempre propias y peculiares de Cuba.

Para hacer el riguroso exámen que se prescribe en el párrafo anterior, se nombrará por las dos Altas Partes contratantes una Comisión de personas competentes é imparciales, según se determinará en el Artículo correspondiente de este tratado.

Articulo 3°.

En cumplimiento de lo convenido en los dos artículos anteriores Su Majestad Católica, en la representación con que celebra este Tratado, renuncia y transfiere á los Estados Unidos todos los edificios, muelles, cuarteles, fortalezas, establecimientos, vias publicas y demás bienes inmuebles que, con arreglo á derecho son de dominio público, y que como de tal dominio público, corresponden á la Corona de España en la Isla de Cuba.

Quedan por lo tanto exceptuados de esta renuncia y transferencia todos los derechos y bienes de cualquiera clase que sean que, hasta la ratificación del presente tratado, hayan venido pacíficamente poseyendo, en concepto de dueños, las Provincias, Municipios, Establecimientos públicos ó privados, Corporaciones eclesiásticas ó civiles y cualesquiera otras colectividades que tengan legalmente personalidad jurídica para adquirir y poseer bienes en la Isla de Cuba, y los particulares, cualquiera que sea su nacionalidad.

Su Majestad Católica renuncia también y transfiere á los Estados Unidos, á quien se le entregarán por el Gobierno español, todos los documentos y títulos que se refieran exclusivamente á la soberanía transferida y aceptada y á todos sus derechos, que existan en los Archivos de la Península, Habiendo de facilitarle copias cuando los Estados Unidos las reclamaren, de la parte correspondiente á dicha soberanía

que contengan los demás documentos y títulos que se refieran además á otros asuntos distintos de la Isla de Cuba y de su soberanía y derechos, que existan en los mencionados Archivos. Una regla análoga habrá recíprocamente de observarse á favor de España respecto á los documentos y títulos agenos en todo ó en parte á la Isla de Cuba que se hallen actualmente en sus Archivos y que interesen al Gobierno español.

Todos los Archivos y Registros oficiales, así administrativos como judiciales, que están á disposición del Gobierno de España y de sus Autoridades en la Isla de Cuba, y que se refieran á la misma Isla ó á sus habitantes y á sus derechos y bienes, quedarán sin reserva de ninguno de esta clase, á disposición de los Estados Unidos para que los conserve ó disponga de ellos con las mismas facultades que hasta ahora han tenido sobre los mismos el Gobierno español y sus Autoridades. Los particulares, así españoles como cubanos, tendrán derecho á sacar, con arreglo á las leyes, las copias autorizadas de los contratos, testamentos y demás documentos que formen parte de los protocolos notariales ó que se custodien en los Archivos administrativos y judiciales, bien éstos se hallen en España ó en la Isla de Cuba.

ARTICULO 4º.

En compensación de las pérdidas y gastos ocasionados á los Estados Unidos por la guerra y á las reclamaciones de sus conciudadanos con motivo de los daños y perjuicios que hubieren sufrido en sus personas y bienes durante la última insurreción de Cuba, Su Majestad Católica, en nombre y representación de España, y constitucionalmente autorizada por las Cortes del Reino, cede á los Estados Unidos de América, y éstos aceptan para sí mismos, la Isla de Puerto Rico y las otras Islas que actualmente están bajo la soberanía española en las Indias Occidentales, así como la Isla de Guam, en el Archipiélago de las Marianas ó Ladrones, que fué elegida por los Estados Unidos de América en virtud de lo convenido en el Artículo 2º del Protocolo firmado en Washington el 12 de Agosto último.

ARTICULO 5º.

Esta cesión de la soberanía sobre el territorio y habitantes de Puerto Rico y las demás islas mencionadas se entiende que consiste en la cesión de los derechos y obligaciones, bienes y documentos relativos á la soberanía de dichas islas, iguales á los que respecto á la renuncia y transferencia de la soberanía de la Isla de Cuba, se definen en los artículos anteriores.

Está conforme:

EMILIO DE OJEDA.

[Translation.]

ANNEX TO PROTOCOL NO. 7.

ARTICLE I.

Her Catholic Majesty, the Queen Regent of Spain, in the name of her August Son Don Alfonzo XIII. King of Spain, thereunto constitutionally authorized by the Cortes of the Kingdom, relinquishes her sovereignty over and title to Cuba.

The United States of America, accepting said relinquishment, receive the Island of Cuba from Spain to lend it aid and guidance and hold it under their control and government until, the pacification thereof realized, they leave said control and government to the Cuban people.

ARTICLE II.

The relinquishment and transfer made by Her Catholic Majesty and accepted by the United States of America embrace:

1. All prerogatives, attributes and rights appertaining to Her Catholic Majesty as part of her sovereignty over the Island of Cuba and its inhabitants.

2. All pecuniary charges and obligations outstanding upon the ratification of this treaty of peace which, after a minute examination into their origin, purpose, and the conditions of their creation, should be held, pursuant to strict law and undeniable equity, to be distinct from such as are properly and peculiarly chargeable to the treasury of the Peninsula, and to have been always properly and peculiarly Cuban.

To make the strict examination provided for in the foregoing paragraph, the two High Contracting Parties shall name a Commission of competent and impartial persons in the manner to be determined in the proper article of this treaty.

ARTICLE III.

In obedience to the stipulations of the two preceding articles, Her Catholic Majesty, in the representative character with which she concludes this treaty, relinquishes and transfers to the United States all the buildings, wharves, barracks, forts, establishments, public highways and other immovable property which in conformity with law are of the public domain, and which being of the public domain belong to the Crown of Spain in the Island of Cuba.

Therefore there are excepted from this relinquishment and transfer all rights and property of whatsoever kind which up to the ratification of this treaty may have been peacefully enjoyed as owners by the provinces, municipalities, public or private establishments, ecclesiastical or civil bodies and any other associations having legal capacity to acquire and possess property in the Island of Cuba, and private individuals, whatever may be their nationality.

Her Catholic Majesty also relinquishes and transfers to the United States, to which they shall be delivered by the Spanish Government, all documents and titles exclusively referring to the sovereignty transferred and accepted, and to all its rights, which may exist in the archives of the Peninsula. Copies of the part relative to the said sovereignty which may appear in other documents, and titles which refer moreover to other matters distinct from the Island of Cuba or its sovereignty and rights, existing in said archives, must also be furnished when the United States shall require the same. A like rule must be reciprocally observed with respect to Spain in so far as relates to documents and titles unconnected in whole or in part with the Island of Cuba that may now be in its archives and which are of interest to the Spanish Government.

All official archives and records, executive as well as judicial, at the disposal of the Government of Spain and of its authorities in the Island of Cuba, and which refer to the said island or its inhabitants, their rights and property, shall remain without any reservation whatever of this kind at the disposal of the United States, to preserve the same or

dispose of them with the same authority exercised over them up to the present time by the Spanish Government and its authorities. Private parties, Spaniards as well as Cubans, shall have the right to make in accordance with law authenticated copies of the contracts, wills, and other instruments forming part of notarial protocols or files, all of which may be in the executive and judicial archives, be the latter in Spain or in the Island of Cuba.

ARTICLE IV.

As compensation for the losses and expenses occasioned the United States by the war and for the claims of its citizens by reason of the injuries and damages they may have suffered in their persons and property during the last insurrection in Cuba, Her Catholic Majesty, in the name and representation of Spain, and thereunto constitutionally authorised by the Cortes of the Kingdom, cedes to the United States of America, and the latter accept for themselves, the Island of Porto Rico and the other islands now under Spanish sovereignty in the West Indies, as also the Island of Guam in the Mariana or Ladrones Archipelago, which island was selected by the United States of America in virtue of the provisions of Article II of the Protocol signed in Washington on August 12 last.

ARTICLE V.

This cession of the sovereignty over the territory and inhabitants of Porto Rico and the other islands mentioned is understood to embrace the cession of the rights and obligations, property and documents relating to the sovereignty of said islands alike in all respects to the relinquishment and transfer of the sovereignty of the Island of Cuba as defined in the foregoing articles.

True copy:

EMILIO DE OJEDA.

PROTOCOL NO. 8

Conference of October 24, 1898

Present: On the part of the United States: Messrs: Day, Davis, Frye, Gray, Reid, Moore, Fergusson.

On the part of Spain: Messrs: Montero Rios, Abarzuza, Garnica, Villa-Urrutia, Cerero, Ojeda.

The protocol of the preceding session was read and approved.

The American Commissioners stated that they had carefully considered the articles tendered by the Spanish Commissioners at the last meeting, by which, while Spain was to relinquish sovereignty over Cuba, such relinquishment was to be accepted by the United States and was to include such charges and obligations, outstanding at the ratification of the treaty as should be held by a Commission not to be properly and peculiarly chargeable

PROTOCOLO NO. 8.

Conferencia del 24 de Octubre de 1898.

Presentes Por parte de los Estados Unidos de América, los Señores Day, Davis, Frye, Gray, Reid, Moore, Fergusson.

Por parte de España los Señores Montero Rios Abarzuza, Garnica, Villa-Urrutia, Cerero, Ojeda.

Fué leída y aprobada el acta de la sesión anterior.

Los Comisionados Americanos manifestaron que habían examinado con todo detenimiento los artículos presentados por los Comisionados Españoles en la última sesión, en los quales España hacía el abandono de su Soberanía sobre Cuba que debia ser aceptada por los Estados Unidos comprendiendose en dicho abandono y en su aceptación todas las cargas y obligaciones existentes al tiempo de la ratificación del tratado, que una

to the treasury of the Peninsula, but to be properly and peculiarly Cuban, and that they must reject the articles in question as well as any articles that required the United States to assume, either for itself or for Cuba, the so-called Cuban debt. They were willing, however, to add to the article in which Spain relinquished sovereignty over and title to Cuba, a suitable stipulation by which the United States would assume the obligations as to the protection of life and property imposed by its occupation, so long as such occupation should continue.

After much discussion, the President of the Spanish Commission stated that the Spanish Commissioners did not care for the phraseology in which the relinquishment of sovereignty was expressed, so long as it embraced an obligation as to debts, such as was stated in the second of the articles presented by them.

The President of the American Commission, replying to this statement, inquired whether the President of the Spanish Commission intended thereby to say that the Spanish Commissioners would refuse to consider any articles as to Cuba and Porto Rico which contained no provision for the assumption of indebtedness by the United States, or Cuba, or both.

The Spanish Commissioners having asked for time in which to reply to this inquiry, the conference was adjourned to Wednesday, October 26, at four o'clock, p. m.

WILLIAM R. DAY
CUSHMAN K. DAVIS
WM. P FRYE
GEO. GRAY
WHITELAW REID.
JOHN B. MOORE.

Comisión especial hubiera de considerar como no pertenecientes ni afectas al Tesoro de la Península, sino como inherentes y peculiares del de Cuba, añadiendo los Comisionados Americanos que se veían precisados á rechazar los artículos en cuestión, así como cualesquiera otros en los que se exigiera á los Estados Unidos que asumiesen, ya sea para sí, ya para Cuba, las cargas de la Deuda cubana; pero que esteban sin embargo dispuestos á añadir al artículo en que España hacía el abandono de su soberanía y derechos sobre Cuba, una estipulación por la cual los Estados Unidos asumirían sobre sí las obligaciones relativas á la conservación de las vidas y propriedades de los habitantes de Cuba, que les imponía su ocupacion mientras esta durase.

Después de una prolongada discusión, manifestó el Presidente de los Comisarios Españoles que la Comision Española no daba importancia á la fraseología en que se expresara el abandono de Soberanía, siempre que comprendiese el tratado una obligación respecto de las deudas, tal como figuraba en el artículo 2º del proyecto de artículos presentado.

El Presidente de la Comisión Americana contesta á esta declaración preguntando si el Presidente de la Comisión Española, entendia decir con esto que los Comisarios Españoles se negaban á tomar en consideración cualesquiera artículos respecto de Cuba ó Porto Rico que no contuviesen una disposición por la que asumiesen sus deudas los Estados Unidos ó Cuba ó ambos.

Los Comisionados españoles habiendo pedido un plazo para contestar á esta pregunta, se fijó la próxima conferencia para el Miercoles 26 de Octubre á las 4 P. M.

E. MONTERO RÍOS
B. DE ABARZUZA
J. DE GARNICA
W R DE VILLA URRUTIA
RAFAEL CERERO
EMILIO DE OJEDA

Protocol No. 9.

Conference of October 26, 1898.

Present On the part of the United States. Messrs Day Davis Frye Gray Reid Moore Fergusson.

On the part of Spain Messrs. Montero Ríos Abarzuza Garnica Villa-Urrutia Cerero Ojeda.

The protocol of the preceding session was read and approved.

The Spanish Commissioners filed under the rules a memorandum, copy and translation of which are hereto annexed, giving their reasons in support of the articles presented by them on the 21st. of October, and rejected by the American Commissioners on the 24th.

The American Commissioners stated that they would file under the rules a written reply, which should be annexed to the protocol.

The Spanish Commissioners then made to the inquiry addressed to them by the American Commissioners, at the close of the last session, the following reply:

"The Spanish Commissioners, having become acquainted with the questions propounded to them at the end of the last conference by the President of the American Commission, — having read it and studied it in order to understand with all clearness its meaning and its scope;

"Considering that in the conference held by the two Commissions on the 14th of this month it was resolved that no agreement reached upon any article should be considered as the final expression of the views and opinions of either Government on the points and matter contained therein, until after an agreement should be reached on all other articles of the treaty, or in other words upon the whole of it:

"Considering therefore that the question propounded by the President of the American Commission

Protocolo No. 9.

Conferencia del 26 de Octubre de 1898.

Presentes, Por parte de los Estados Unidos de América. los Señores Day, Davis, Frye, Gray, Reid, Moore, Fergusson.

Por parte de España los Señores Montero Rios, Abarzuza, Garnica, Villa-Urrutia, Cerero, Ojeda.

Fué leída y aprobada el acta de la sesión anterior.

Los Comisarios Españoles presentaron para su inserción en el protocolo según reglamento un Memorandum cuya copia y traducción son anexos, en el cual exponen sus razones en apoyo de los artículos presentados por ellos el 21 del corriente y rechazados por los Comisarios Americanos el 24.

Los Comisarios Americanos ofrecieron dar su contestación escrita conforme al reglamento copia y traducción de la cual formarán parte del protocolo general de las conferencias.

Los Comisarios españoles dieron á la pregunta que al fin de la sesión anterior les dirigió la Comisión Americana la contestación siguiente:

"Enterados los Comisarios Españoles de la pregunta que, al terminar la última conferencia, les hizo el Sr Presidente de la Comisión Americana, y después de haberla leído y estudiado aquellos para comprender con toda claridad su sentido y alcance:

"Considerando que en la conferencia celebrada por ambas Comisiones el día 14 de este mes, se convino en que el acuerdo de cualquier artículo no podía considerarse como expresión definitiva de las miras y opiniones de uno ú otro Gobierno sobre los puntos y materia contenida en dicho artículo, si no se llegaba á convenir en todos los del Tratado, ó sea en su totalidad;

"Considerando por lo tanto que la pregunta hecha por el Señor Presidente de la Comisión Ameri-

cannot now be given any answer, which without violation of the resolution unanimously adopted by the two Commissions at the aforesaid conference of the 14th instant, may involve the final approval of the article or articles to which the question refers:

"Considering furthermore that even in case such resolution as the above had not been agreed upon by the Commissioners, its adoption would have been required by the very nature and essence of the mission entrusted to them, which is to frame a treaty of peace, settling not only the question of the Antilles but also that of the Philippine Islands and all other questions, even of lesser importance, which may exist between the two High Contracting Parties:

"Considering that this treaty is not to be framed, as no other treaty has, or can, be ever framed, upon the exclusive basis of strict justice, as understood by each party, but also upon the basis of the advantage to be derived by either or by both, thus modifying in harmony therewith the demands of strict law; and that, therefore, the Spanish Commissioners, although understanding that strict law decides the question of the Cuban debt in their favor, are in duty bound and are willing to moderate the said strictness in view of the advantages which Spain may derive from other stipulations of the treaty which, without being prejudicial to the United States, may be favorable to Spain;

"Considering therefore that the article or articles to which the President of the American Commission refers can not at this time be the subject of final approval, since they must remain subject to the others to be included in the same treaty, meeting the approval of both High Parties:—

"The Spanish Commissioners

cana no puede tener ahora una contestación que implique una aprobación definitiva del artículo ó artículos á que dicha pregunta se refiere, á no infringirse lo convenido por unanimidad por ambas Comisiones en la conferencia sobredicha del 14 de este mes:

"Considerando además, que aunque así aquellos no la hubieran convenido, lo exigía lo índole y la propria esencia de la misión que les ha sido confiada y que consiste en elaborar un solo Tratado de Paz en que queden resueltas no solo la cuestion de las Antillas, sino también la de Filipinas y cualquier otra, aunque sea menos importante que exista entre las dos Altas Partes:

"Considerando que no habiendo de elaborarse este Tratado, como nunca se ha elaborado ni puede elaborarse ninguno, con el único criterio de la rigurosa justicia que cada una de las Partes pueda entender que le asista, sino también con el de la conveniencia de cada una de ellas y aún de ambas, para modificar á su tenor las exigencias del criterio meramente jurídico, y que por consiguiente, sobre la cuestión relativa á la deuda de Cuba, los Comisarios Españoles, que entienden que el rigor del Derecho la resuelve á su favor, tienen el deber y están dispuestos á cumplirlo, de moderar este rigor, por las conveniencias que para España puedan surgir de otras estipulaciones del Tratado, que, sin ser perjudiciales á los Estados Unidos, puedan serfavorables á España:

"Considerando por lo tanto, que el artículo ó artículos á que se refiere la pregunta del Señor Presidente de la Comisión Americana, no pueden ser por hoy objeto de una aprobación definitiva, puesto que no pueden menos de quedar subordinados á que los demás que han de ser incluidos en el mismo Tratado merezcan también la aprobación de Ambas Altes Partes:

"Los Comisarios Españoles con-

answer the said question by stating that, reiterating their conviction that pursuant to law the colonial obligations of Cuba and Puerto Rico must follow these islands and their sovereignty, they do not refuse 'to consider any articles as to Cuba and Puerto Rico which contain no provision for the assumption of indebtedness by the United States, or Cuba, or both', subordinating the final approval of such articles to that of the others which are to form the complete treaty, and they, therefore, invite the American Commissioners to enter upon the discussion of the other points to be embodied in the Treaty, and, at the outset, to take up the discussion of the Philippine Archipelago, and to propose to the Spanish Commissioners what they understand should be agreed upon in said Treaty with respect to this subject."

The American Commissioners, after the reading of this paper, inquired whether they were to understand that the Spanish Commissioners accepted the articles previously presented by them as to Cuba, Porto Rico, and Guam.

The Spanish Commissioners replied that they accepted them in the sense stated in the paper—provisionally, subject to the conclusion of a treaty of peace.

On motion of the American Commissioners, the conference was adjourned to the 27th of October, at two o'clock, p. m.

WILLIAM R. DAY
CUSHMAN K. DAVIS
WM. P FRYE
GEO. GRAY
WHITELAW REID.
JOHN B. MOORE.

testan á la sobredicha pregunta diciendo que afirmando su convicción de que con arreglo á Derecho las obligaciones coloniales de Cuba y Puerto Rico deben pasar con estas islas y sus oberanía 'no rehusan tomar en consideración cualquier otro artículo relativo á Cuba y Puerto Rico, que no contenga la cláusula de asumir las cargas por los Estados Unidos ó por Cuba ó por ambos', subordinando la definitiva aprobación de tal artículo á la de los demás que hayan de formar la totalidad del Tratado; é invitan, en su consecuencia, á los Señores Comisarios Americanos, á que se proceda á la discusión de los demás puntos que en el Tratado se han de comprender, y desde luego á la del relativo al Archipiélago filipino, proponiendo á los Comisarios Españoles lo que entiendan que debe convenirse en aquél sobre este asunto."

Después de dada lectura de esta contestación, los Comisarios americanos preguntaron si debían entender por ella que los Comisarios españoles aceptaban los artículos presentados por la Comisión americana relativos á Cuba, Puerto Rico y Guam.

Los Comisarios Españoles contestaron que los aceptaban en el sentido expresado en su documento, y subordinada su aceptación á la aprobación de los demás artículos que haya de contener el Tratado de paz.

A propuesta de los Comisarios Americanos, se aplazó la próxima conferencia para el 27 de Octubre á las 2 P. M., á fin de que los Comisarios Americanos pudieran estudiar con todo detenimiento la contestación dada por los Comisarios Españoles.

E. MONTERO RÍOS
B. DE ABARZUZA
J. DE GARNICA
W R DE VILLA URRUTIA
RAFAEL CERERO
EMILIO DE OJEDA

Annex to Protocol No. 9.

COMISION PARA LA NEGOCIACION DE LA PAZ CON LOS ESTADOS UNIDOS.

[Memorandum presentado en la sesion de 21 de Octubre 1898.]

Los Comisarios españoles se han enterado con verdadera pena del Memorandum presentado por los Señores Comisarios americanos en la conferencia última celebrada en 17 del corriente. En este documento dichos Señores, fundándose en afirmaciones y apreciaciones con cuya exactitud la Comisión española no puede manifestarse conforme, á pesar de la recta intención con que, no duda, que fueron expuestas, concluyen aquellos por manifestar que sustituyen el proyecto de los dos artículos sobre Cuba y las demás islas, que habían presentado en la conferencia de 3 del corriente, con otros dos, reducidos á la copia literal de los dos primeros artículos del Protocolo de Washington, alegando para esto que entienden que el Tratado de paz, en cuanto se refiere á la soberanía de las Antillas y de la Isla de Guam en las Marianas, no debe contener más ni menos que la reproducción literal de aquellos dos artículos.

Mas como estos ya forman parte de un Convenio obligatorio cual lo es el Protocolo de Washington, parece inútil hacer de ellos una mera reproducción en el tratado que ha de elaborarse en la conferencia. Los contratos, así en el órden privado como en el internacional, son perfectos, y producen todos sus efectos para las partes que los hayan otorgado, sin necesidad de ninguna confirmación posterior que en nada puede aumentar su eficacia. Parece, por esto, redundante esta reproducción, si á ella se ha de limitar el Tratado de paz sobre las Antillas, como quieren los Señores Comisarios americanos.

Si esta consideración es de pura razón y aun de mero buen sentido, la propuesta de los Comisarios americanos no se comprende sinó en el supuesto de que estos entienden que el Tratado, aparte de cualquier disposición de carácter secundario que en él pueda incluirse, no debe versar más que sobre el Archipiélago Filipino.

Si tal es el pensamiento de la Comisión Americana, la Española no puede prestarle su asentimiento porque entiende que su ejecución sería una infracción del Protocolo.

Después de las tres condiciones que el Señor Secretario de Estado de Washington, contestando en 31 de Julio último al Mensaje del Gobierno de Su Majestad Católica, de 22 del mismo mes, propuso á España para terminar la guerra, dijo: "Si las condiciones ofrecidas aquí son aceptadas en su integridad, los Estados Unidos nombrarán Comisarios que se encontrarán con los igualmente autorizados por España, con objeto de arreglar *los detalles del Tratado de paz* y de firmarlo en las condiciones arriba expresadas." Estos *detalles* no aparecen circunscritos al archipiélago.

El propio Señor Presidente de la República Americana, en la conferencia que celebró el 10 de Agosto con el Señor Embajador de Francia, representante de España para el caso, distinguió perfectamente el Protocolo del tratado de paz, diciendo que aquél debia ser un *mero documento preliminar* que no tendria por objeto ni por efecto más que consagrar sin dilación alguna el acuerdo de los dos Gobiernos sobre los *principios mismos* de la paz, y que, por lo tanto, no seria necesario reservar en él, ni los derechos de las Cortes, ni los del Senado federal, llamados únicamente á ratificar el *Tratado definitivo*.

El Señor Presidente, es verdad, habló del asunto de las Filipinas para decir que quedaba reservado á la Conferencia de Paris, pero nunca dijo,

ni indicó siquiera, que este asunto habría de ser el único que se trataria en esta Conferencia.

Y finalmente, en el Artículo 5º del Protocolo, redactado de conformidad con todos estos precedentes, se dice que los Comisarios nombrados por ambas Altas Partes habian de proceder en Paris á negociar y concluir un Tratado de paz sin limitar ni concretar su objeto y empleando, por la inversa, una frase cuyo evidente sentido es que en el Tratado de paz que se elaborase por la Comisión habian de resolverse todas las cuestiones, á la sazón pendientes, entre los dos Estados, que no estuviesen resueltas ya en el acuerdo preliminar del Protocolo.

Cierto es que los Señores Comisarios Americanos fundan precisamente su último proyecto en la consideración de que todo lo relativo á las Antillas españolas ya fué resuelto en el Protocolo. Mas á esta consideración es precisamente á la que desde la primera conferencia no han podido ni pueden prestar su asentimiento los Comisarios españoles.

Los Americanos en su Memorandum de 11 de este mes manifestaron que los Comisarios españoles, ponían en su proyecto condiciones á la renuncia de la soberanía en Cuba. Gravísimo error. En aquel proyecto no se desconoce el carácter puro é incondicional de tal renúncia, lo único que allí se hace es consignar en lo que esta renúncia consiste. Y esto es esencialmente diverso de lo que los Señores Comisarios Americanos entienden.

Y que, efectivamente, los artículos del proyecto de los españoles tiene por único objeto fijar el sentido de la renúncia, pero no someterla á condiciones, está demostrado por el objeto mismo de las discusiones orales y escritas que vienen mediando entre los unos y los otros.

Los Señores Comisarios Americanos entienden que el único sentido que puede darse á la renúncia de soberanía convenida en el Protocolo, es el propio del *abandono* de esta soberanía; para deducir de aquí, que España debe abandonar la Isla de Cuba como cualquier potencia puede abandonar un territorio desierto del Africa que antes hubiera poseido.

Por más que la Comisión española distingue el sentido jurídico de la palabra *abandono* del que es propio de la *renúncia*, no sostendria esta discusión técnica, impropia de una Conferencia diplomática, sino fuera porque la Comisión Americana sostiene su opinión como el principal fundamento que da á su aspiración de que, por tal supuesto abandono, quede cortado todo vínculo de derecho y ninguno nuevo surja de aquel acto, entre España y los Estados Unidos, al apoderarse de la Isla, bien en su propio nombre y para ellos mismos, bien en nombre y para el pueblo cubano.

Pero esta aspiración, sin ejemplo en los fastos diplomáticos del mundo, no pueden admitirla los Comisarios españoles, dando por reproducido cuanto expusieron en el primer capítulo del Memorandum que presentaron en contra del proyecto de articulado de la Comision Americana, y añaden las breves consideraciones siguientes, que les sugieren los dos Memorandum últimamente presentados por la misma.

Deja la española á un lado la cita que, en apoyo de su opinión, la Comision Americana hace del Diccionario de Escriche, que es una obra muy respetable ciertamente, pero cuyo único objeto es la exposición de la jurisprudencia práctica del Derecho privado, exposición muy popular, es verdad, en España, porque sirve de mentor á los jóvenes abogados en el primer periodo de su vida profesional, pero que es completamente agena á la ciencia del Derecho internacional y público.

Casos de abandono, en el sentido que se pretende, no registra la historia moderna de los pueblos más que los de territorios desiertos, ó á lo sumo, poblados por las tribus bárbaras del Africa. Abandono de un

verdadero Estado, ya formado, de existencia secular, con una organización social y política completa y poblado de habitantes que gozan y tienen derecho á gozar de todos los beneficios de la civilización moderna, no ha habido hasta ahora, ni creen los Comisarios españoles que lo habrá en el mundo.

Los territorios abandonados son legítimamente ocupados por el Estado que quiera establecer en ellos su soberanía. Mas esta ocupación, meramente de hecho, no impone al ocupante otros deberes más que los que en las regiones de Africa cumplen las potencias de Europa con las bárbaras tribus que los pueblan ó los recorren. ¿Cree la Comisión Americana que los Estados Unidos en concepto de ocupantes de la Isla de Cuba, puesto que este es el único en que según el supuesto que defienden, habrán de posesionarse de ella, no han de tener para con los habitantes de la grande Antilla más deberes que los que se cumplen con aquellos degradados seres humanos?

Tenemos la completa seguridad de que no es tal el pensamiento de los Señores Comisarios Americanos, pero á esta consecuencia fatalmente conduce á la Comisión americana, su empeño en negar toda diferencia de derecho entre los efectos del abandono y los efectos de la renúncia.

A esta no obsta la protesta de los Señores Comisarios Americanos en su último Memorandum, afirmando que los Estados Unidos dispensarán á los habitantes de Cuba y á sus propiedades toda la protección que necesiten, como vienen haciéndolo en la pequeña porción de territorio que en la isla ya ocupan por la fuerza de las armas. ¿Creen los Estados Unidos que á España con relación á la Isla de Cuba y á sus habitantes, no deben reconocérsele por aquellos más derechos al dejar su soberanía, que los que Estados Unidos ó cualquiera otra Potencia se apresurarian á reconocer á la más desgraciada de las tribus africanas de cuyo territorio se apoderaran? Pero, aparte de que ellos mismos no dan á esta obligación que dicen que tienen, más fundamento que el hecho de ser poseedores de la Isla, lo cual confirma lo que acabamos de indicar, también es cierto que dichos Señores Comisarios no se prestan á que esta, ni otra obligación alguna de los Estados Unidos, se consigne en el tratado que, según exigen, ha de limitarse á la reproducción de los dos primeros artículos del Protocolo. Por lo tanto esaobligación que en el Memorandum dicen que contraen no será exigible por no constar en el Tratado, y sin ánimo de ofensa para los Estados Unidos, la lógica no permite que se niegue en absoluto, la posibilidad de que pase, en más ó en menos, con ella, lo que con las obligaciones que expontáneamente contrageron los Estados Unidos en las negociaciones que prepararon el Protocolo y que, esto no obstante, los Señores Comisarios americanos se niegan á que consten en el Tratado.

Las Cámaras de los Estados Unidos en su resolución conjunta, y el Señor Presidente de la Unión en su ultimatum á España, pudo exigir á esta Nación, aunque inútil es decir que España no hubiera accedido á tan enorme exigencia, el abandono absoluto de su soberanía en Cuba en el sentido en que ahora lo exigen sus Comisarios, como pudo también exigirle su cesión franca y libre de toda carga á los Estados Unidos. Mas lo cierto es que no lo exigió, porque se limitó á reclamarle la renúncia de su soberanía para que el pueblo cubano *fuera libre é independiente*, ó lo que es lo mismo, la renúncia, de su soberanía en favor del pueblo cubano, para que fuera libre é independiente, si bien, al mismo tiempo, no consintió y antes bien exigió, que esta renúncia fuera, desde luego, hecha á favor de los Estados Unidos, para aquél pueblo á quien los Estados Unidos habian de prestar ayuda y dirección, porque no de otro modo era posible que la Isla de Cuba dejara de pasar directa é

inmediatamente del poder de España al del pueblo cubano, para haber de permanecer en poder de los Estados Unidos hasta la pacificación de la isla. Esto nos parece que los Señores Comisarios Americanos no pueden menos de reconocerlo como rigurosamente exacto.

Y si tales fueron los términos en que los Estados Unidos encerraron su exigencia á que al fin accedió España sin que aquellos los hubiesen previamente modificado, es claro como la luz del Sol, que el convenio de que es fórmula el artículo 1° del Protocolo, (pues otro no se celebró entre las dos Altas Partes) tiene necesariamente que entenderse en el sentido de los términos en que fué propuesto por una de ellas, y aceptado por la otra, y que no es lícito ahora á cualquiera de ellas alterar estos términos con el fin de convertir aquella renúncia, exigida para un objeto determinado, y á tenor de un procedimiento establecido, en un abandono absoluto sin el objeto y procedimiento convenidos, como el que pretende la Comisión Americana que se haga.

No es pues el caso del abandono que la Comisión Americana exige, sinó el de la renúncia convenida que la Española sostiene, el que ha de consignarse en el tratado. Es un caso análogo á tantos otros por que han pasado las potencias coloniales cuando perdieron su soberanía en todas ó parte de sus colonias. Jamás una potencia colonial *abandonó*, en el sentido que ahora se quiere imponer, una colonia para que se convirtiese en un nuevo Estado independiente y libre. Cuando esto sucedió, la Metrópoli cedió ó renunció su soberanía, si antes la colonia misma no la había conquistado por la fuerza de las armas, pero jamás la abandonó en el sentido sobredicho. Si los Señores Comisarios americanos no están conformes con esta categórica afirmación, les rogamos que nos citen un caso que la contradiga.

Los Comisarios españoles ruegan también á los Señores Comisarios americanos que fijen su atención, tan ilustrada y serena, en la contradiccion palpitante que resalta entre su teoría y los hechos que los Estados Unidos vienen llevando á cabo. Según la Comisión Americana la única situación legal posible sobre la Isla de Cuba, entre España de una parte y los Estados Unidos por sí, ó en nombre del pueblo cubano, de la otra, es la siguiente: España debe abandonar la Isla de Cuba. Los Estados Unidos después del abandono han de posesionarse de la Isla para el pueblo cubano.

Y por consiguiente el tránsito de la Gran Antilla de una á otra situación, ha de hacerse sin establecerse vínculo alguno de derecho entre España y su antigua colonia y por ella los Estados Unidos. Pues bien, las fuerzas de los Estados Unidos rindieron á Santiago de Cuba, y firmaron con las Autoridades militares españolas una capitulación. En esta no exigieron que las fuerzas de la Metrópoli abandonaran á Santiago de Cuba, sinó que se lo *entregaran* á las Autoridades americanas, formándose inventario, que firmaron ambas partes, en el cual consta cuanto la una *entregó* y la otra *recibió*. La Comisión americana que está en la Habana, por haber sido nombrada en cumplimiento de lo prescrito en el Artículo 4° del Protocolo exige á la Comisión española que le entregue todo lo que á España correspondia en uso de su soberanía, así en lo *civil* como en lo *militar*, y esto, en virtud de instrucciones expresas de su Gobierno, y por demás está el decir que esta entrega también ha de ser en forma de inventario.

Ante estos hechos ¿es posible negar que España, al renunciar á su soberanía en Cuba, exigen los Estados Unidos que se la entregue á ellos mismos?

Pues aun hay más que esto: la Comisión Americana, á pesar de la teoría que sostiene, ha acomodado sus primeros actos á la que sostiene la española. En el párrafo 2° del articulo 1° que aquella presentó en 3

de octubre, llama *cesión* (no abandono) á la renúncia de la soberanía de España en Cuba. Y esto no se puede explicar por una simple incorrección de lenguaje, porque en el Artículo 2º fija cuales han de ser los efectos de la cesión de la soberanía de Puerto Rico, y emplea para fijar estos efectos, las mismas, exactamente las mismas frases, que acababa de emplear en el Artículo 1º para fijar los de la renúncia de la soberanía en Cuba. Prueba acabada de que, según la Comisión Americana, á pesar de sus opiniones sostenidas al calor de la controversia con la española, al redactar su primer proyecto entendia que los efectos de la renúncia de la soberanía eran los mismos, exactamente los mismos, que los de su cesión.

Y si quisiera decirse que aunque sean iguales los efectos, la renúncia, que la Comisión Americana llama abandono, se distingue de la cesión en que aquella no se hace con relación á nadie que haya de adquirir el territorio abandonado, y por el contrario, la cesión se hace á favor de quien haya de adquirir el territorio cedido, tampoco los Comisarios Americanos marcaron esta diferencia en su proyecto, porque, hablando en ambos artículos de los Archivos y demás papeles que habían de ser objecto de la renúncia ó cesión, dicen por igual en los dos, empleando las mismas frases, que toda copia legalizada de aquellos documentos que pudiera ser requerida por un funcionario del Gobierno español, se le expedirá en todo tiempo, y esto es ininteligible sino en el sentido de que ha de haber quien pueda expedir tal copia. Y no será posible esta expedición sinó por quien tenga en su poder el documento que ha de copiar. Y no puede tenerlo en su poder quien no lo haya recibido. Por consiguiente los Comisarios Americanos al establecer en el Artículo 1º las reglas concernientes á la entrega de los Archivos de la Isla de Cuba, partían del supuesto de que esa entrega había de ser hecha á alguien. Y eso, y nada más que eso, es lo que consignaron en el artículo 2º, respecto á la entrega de los Archivos de la Isla de Puerto Rico.

La Comisión americana acude para sostener su inaceptable opinión sobre el abandono por España de la Isla de Cuba, á la diferencia que consta en el Protocolo mismo. Dicen que España se prestó solamente á *ceder* á Puerto Rico á los Estados Unidos, entretanto que respecto á la Isla de Cuba se obligó á renunciarla. De esto deducen que los efectos de la obligación de España, respecto á una Antilla, son más ámplios que respecto á la otra. Ya hemos probado con el texto propio del proyecto de articulado de dichos Señores que ni aun esta diferencia en los efectos con relación á España entreveian ellos, al redactar su proyecto, que existia. La diferencia, no obstante, se comprende bien bajo otro aspecto. Los Estados Unidos exigieron á España y después le declararon la guerra para que Cuba fuera libre é independiente. Y claro es que habiendo vencido ya no podian exigirle que se la cediese, dejando á un lado la libertad é independencia de la Isla, porque esto daría motivo al mundo para creer que tal libertad é independencia no habia sido la verdadera causa del conflicto. No le hicieron la misma exigencia respecto á Puerto Rico, y si reclamaron después la soberanía de la pequeña Antilla, y de las demás que rodean á la Grande (y que harán en lo porvenir imposible su independencia, sin la voluntad y gracioso consentimiento de los Estados Unidos, que siempre la tendrán á su merced, por su dominio sobre las que la rodean como un círculo de hierro,) fué en concepto de indemnización de los gastos de la guerra, y de los perjuicios que decian que los ciudadanos americanos habían sufrido durante la insurrección colonial. Esta es la natural esplicación de que en el Protocolo aparezca la soberanía de una isla como renunciada y la de las otras como cedida.

Los Comisarios españoles entienden por todo lo dicho, que es para ellos un deber ineludible, el continuar sosteniendo que la renúncia de la soberanía en Cuba, á que se obligó España en el artículo del Protocolo, debe entenderse no abandono de la soberanía en el sentido que dan á la frase los Señores Comisarios americanos, sino en el de renúncia propiamente dicha, tal como se ha empleado en el ejemplar escrito en francés, que firmó también el Gobierno americano, y que por lo tanto, no puede menos de aceptar como texto oficial. Por consiguiente, España tiene la obligación de renunciar á la total soberanía sobre la Gran Antilla, para que á esta obligación corresponda otra por parte de los Estados Unidos, y es la de recibir la Isla en nombre y para el pueblo cubano, por el cual, aparte de los altos fines humanitários que, según afirman, inspiró su conducta, por más que á ello no pueda asentir España, se constituyeron libremente y por su propia expontaneidad mandatarios con todas las obligaciones que se impone el "*negotiorum gestor*", (aunque según persisten en afirmar no lo sean "*in rem suam*") según denomina el derecho á aquél que se encarga de reclamar y gestionar los intereses de otro, por más que éste no le haya conferido expresa y oficialmente su mandato.

Creen, por esto, los Comisarios españoles que el contraproyecto del Artículo primero que presentaron, está redactado en el extricto sentido que tiene el artículo 1º del Protocolo, excepto en un importante punto de que pasan los Comisarios españoles á ocuparse.

Los Estados Unidos de América exigieron á España, según se ha dicho, la renúncia de la soberanía en Cuba, en los términos que en este Memorandum quedan expresados.

La Comisión Americana en su penúltimo Memorandum dice, que si España hubiese accedido al ser requerida con el ultimatum, á abandonar la Isla de Cuba, sin entregarla á los Estados Unidos, todo el mundo hubiera creido que España accedia á cuanto se podía exigirle. Lo hubiera quizá creido todo el mundo, menos los Estados Unidos, porque no parece á la Comisión española que tenga necesidad de demostrar, que haya nadie, ni en Europa ni en América, que crea que los Estados Unidos se hubieran dado por satisfechos con que España se retirase de la Isla de Cuba, habiendo ellos de abstenerse de toda intervención en la Grande Antilla, para que el pueblo que la habita continuase guerreando entre sí y haciendo de sí mismo y de sus destinos, en virtud de su natural derecho, el uso ó el abuso que, supuesto que era independiente, podia hacer sin ó contra la voluntad de los Estados Unidos.

De estos términos es indeclinable é inmediata consecuencia, que los Estados Unidos tienen que recibir la Isla de Cuba, no para conservarla para siempre, ni siquiera indefinidamente como propia, sinó para ejercer su soberanía, mientras la Isla no esté pacificada y para entregarla al pueblo que la habita tan pronto la pacificación se haya realizado.

Esto, pues, debe constar en el Artículo primero del Tratado relativo á tal renúncia, si ha de acomodarse al contrato convenido entre las dos Altas Partes.

Así lo comprendieron los Comisarios españoles. Mas inspirándose en sus vivos deseos de transacción y de paz, se prestaban á que los Estados Unidos quedasen en libertad de transmitir al pueblo cubano la soberanía de la Isla, cuando ellos, y solo ellos, considerasen que habia llegado la oportunidad de hacerlo.

Proponiéndolo así los Comisarios españoles, renunciaban en obsequio de los Estados Unidos el importantísimo derecho que tiene España para exigirles, cuando la pacificación de la Isla se realice, que no retengan dicha soberanía y la entreguen á aquel pueblo.

La Comisión americana persiste en afirmar que tal es el propósito de

los Estados Unidos, pero no quiere que conste en el tratado el notorio derecho de España para exigir su cumplimiento á su debido tiempo.

Mas una vez que los Señores Comisarios Americanos se oponen terminantemente á la aceptación del Artículo propuesto por entender que no se acomoda al primero del Protocolo, los españoles lo sustituyen con otro que no solamente se acomodará de un modo estricto al recto sentido de aquel Artículo primero, sinó que aparecerá redactado con sus propias palabras pero también con las frases literalmente copiadas de los despachos que precedieron á su redacción y fijaron su sentido.

Hé aquí la nueva redacción que proponen en sustitución de la anterior:

"Su Majestad Católica la Reina Regente de España, en nombre de su Augusto hijo Don Alfonso XIII. Rey de España, constitucionalmente autorizada por las Cortes del Reino, renuncia á su soberanía y á todo derecho sobre Cuba.

"Los Estados Unidos de América, aceptando esta renúncia, reciben de España la Isla de Cuba para prestarle ayuda y dirección y tenerla en su dominio y gobierno hasta que, una vez realizada su pacificación, dejen dicho dominio y gobierno al pueblo cubano."

FUNDAMENTO DE ESTE ARTÍCULO.

El párrafo 1° es la transcripción del Artículo 1° del Protocolo, con las variaciones de cancillería.

El sentido y las frases del párrafo 2° están tomadas del ultimatum dirigido por el Gobierno de Washington á España y comunicado en 20 de abril último por aquel Señor Secretario de Estado al Ministro de España en aquella capital. Figuran así mismo en él el pensamiento y las frases del Gobierno Americano consignados en la contestación del Señor Secretario de Estado en Washington en 31 de julio último al Mensaje del Gobierno español proponiendo la terminación de la guerra. Hé aquí dichas frases: "el Gobierno de los Estados Unidos no ha compartido las aprensiones de España sobre este punto (el de la falta de actual aptitud del pueblo cubano para su independencia) pero piensa que en las condiciones de perturbación y abatimiento en que está la Isla, esta necesita *ayuda y dirección que el Gobierno americano se halla dispuesto á otorgarle.*"

No hay, pues, en el Artículo nuevamente redactado otro pensamiento ni otras frases que las consignadas en el ultimatum de los Estados Unidos á España, en el despacho citado de su Secretario de Estado y en el Protocolo redactado accediendo al ultimatun y de acuerdo con la intención de los Estados Unidos consignada en el despacho sobredicho.

Esto no obstante, ruegan los Comisarios Españoles de un modo especial á los Señores Comisarios Americanos, que tengan presente que si la legítima exigencia por parte de España para que en el Tratado se consigne su derecho para reclamar, á su debido tiempo, á los Estados Unidos de América el cumplimiento del compromiso que expontáneamente contrageron de dejar la Isla de Cuba libre é independiente, así que esté pacificada, no fuese de su agrado, aquellos están dispuestos á renúnciar á tal exigencia, dejando á la exclusiva apreciación de los Estados Unidos el resolver cuando hayan de cumplir tal compromiso, si esta renúncia de la Comisión española hubiera de servir para la conclusión del Tratado pendiente de paz.

Los Señores Comisarios Americanos rechazan también los demás artículos del proyecto presentado por los españoles.

No admiten que de la soberanía formen parte las cargas y obligaciones del Soberano que procedan exclusivamente del servicio público de la Colonia. Y sin entrar la Comisión española en la discusión puramente técnica de si forman parte de la soberanía estas obligaciones, ó son tan solo efecto del ejercicio de la soberanía misma, porque el resultado de esta discusion seria completamente ineficaz para el punto sobre que no convienen unos y otros Comisionados, pasan los españoles á rectificar brevemente los hechos y los conceptos que se hallan escritos en el Memorandum americano de 14 del corriente. Para demostrar aquellos que las obligaciones coloniales de España en Cuba no deben quedar á cargo de esta Isla, exponen que tales obligaciones fueron contraidas por la Corona con intervención de sus funcionarios en la Colonia pero sin que esta hubiese intervenido ni prestado su consentimiento para contraerlas. En efecto: el régimen colonial entonces vigente en España no daba á sus colonias la facultad de tener Cámaras electivas que ejerciesen con el soberano el poder supremo. En los últimos veinte años ya no sucedia así. Las Antillas tenian su representación en ambas Cámaras, la cual, por cierto, intervino en todos los actos legislativos sobre obligaciones coloniales, sin que nunca hubiese protestado contra su legitimidad y fuerza obligatoria. Mas, aparte de esto, no se puede negar que mientras aquel régimen subsistió conservando todos los caracteres de la legalidad á la sazón establecida, los actos que la soberanía colonial ejerciera dentro de las atribuciones que las leyes le conferian, fueron perfectamente legítimos y produjeron lo que no podian menos de producir: todas sus justas consecuencias. Esta es una máxima fundamental en el derecho público, sin la cual sería imposible el crédito de un Estado, porque la validez de todos sus actos estaría siempre á merced de cualquiera causa revolucionaria triunfante. Puede discutirse el acierto de los actos del Soberano, pero no cabe discutir su legitimidad y carácter obligatorio cuando han sido ejecutados en virtud de atribuciones y con las solemnidades reconocidas y establecidas por la ley.

Este principio fué reconocido por el Primer Cónsul, cuando otorgó con Baviera su Tratado de 24 de Agosto de 1801. En su Artículo 5° se acordo aplicar lo dispuesto en el Tratado de paz de Luneville referente á las deudas hipotecarias de los paises de la orilla izquierda del Rhin. En estos territorios habia Dietas que intervenian el poder del Soberano y por esto en dicho Tratado de Luneville se habia exigido que tales deudas hubiesen sido por ellas consentidas. Mas en el Ducado de Deux Ponts y en la parte del Palatinado del Rhin que adquiria la Francia por el Tratado con Baviera, no habia aquella institución de Gobierno, y por esto convino el Primer Cónsul, en el Tratado de 1801 que las deudas de estos paises pasarian con ellos, con tal que hubiesen sido registradas en su origen por sus Autoridades administrativas superiores.

Según la tésis contraria á esta doctrina si llegara á desaparecer el régimen autocrático de la Rusia actual, el pueblo ruso podria dejar de cumplir todas las obligaciones que sus Emperadores, mientras aquel régimen subsista, hayan contraido y contraigan para el régimen y gobierno de su Imperio. Los mismos Estados Unidos, que, de seguro continuaron observando desde su emancipación muchos de los preceptos legislativos acordados antes sin su intervención, por el poder de su Metropoli, tendrian que devolver á la Rusia el Alaska que les vendió el Emperador en 1807 sin haber intervenido en la venta los habitantes de la region vendida; como tendrian que devolver á España la Florida, por identica razón, etc.

Si para que sea legítima una deuda es necesario que al crearla intervenga por sí mismo el pueblo que la ha de pagar, cuando las leyes no le dan tal intervención, con mucha más razón había de ser necesaria la intervención de un pueblo cuando su Soberano vendiese el territorio que aquel habita.

La propia actual cesión de la soberanía de las Antillas estaria viciada de nulidad ya que los pueblos cubano y puertoriqueño no fueron consultados ni prestaron hasta ahora su expreso y formal asentimiento al Protocolo de Washington. Hé ahí las consecuencias de la teoría que bajo el calor de la discusión se halla expuesta en el Memorandum de los Señores Comisarios Americanos.

Precisamente el punto que limita más la libertad de contratación de los Soberanos, en la celebración de los tratados, es el relativo á las deudas de sus Estados. Sobre la integridad de su territorio y aun sobre su propio honor pueden libre y validamente contratar porque contratan sobre lo que es suyo. Pero carecen de esta libertad cuando sus actos repercuten inmediatamente en los legítimos derechos privados de aquellos particulares que, al amparo de las leyes los habian legítimamente adquirido, sin que despues hayan tenido intervención alguna en los conflictos que en los tratados se resuelven, ni tengan por lo tanto que indebidamente sufrir sus consecuencias en perjuicio de sus privados y legítimos intereses.

Los acreedores de un Estado, cuando con él contratan tienen siempre muy en cuenta las condiciones de solvencia del Estado á quien prestan su fortuna. Por esto, cuando estas condiciones de solvencia decrecen por efecto de cesiones territoriales, las Altas Partes entre quienes median estas, así las que hacen la cesión como las que adquieren lo cedido, procuran siempre respetar en su integridad aquellos derechos por medio del reparto de las obligaciones, entre el territorio conservado por el Soberano cedente y el territorio adquirido por el Soberano cesionario. Esto es lo que ha venido haciéndose en los Tratados de cesión territorial.

Mas cuando los acreedores han adquirido por el propio título de su contrato un derecho directo sobre ciertos y determinados bienes ó ciertas y determinadas rentas para reintegrarse con ellos del capital prestado y de sus legítimos intereses, el Soberano no puede después, sin contar previamente con su asentimiento, ceder ni disponer libremente, como si fueran de su exclusivo y pleno dominio de aquellos bienes y rentas.

Si un Soberano se prestara á cometer un atropello semejante de derechos que no son suyos, no por eso aquellos á quienes tales derechos correspondan tendrán el deber de resignarse y quedarán privados de reclamar en nombre de los principios sagrados que amparan la propiedad privada, el respeto á lo suyo, contra quien quiera que sea en cuyo poder se halle aquello que legítimamente les pertenece.

Y bueno es, con este motivo, hacer formalmente constar, que aun en la hipótesis de que no fuese aceptable el principio que sostiene la Comisión española y que combate la Americana, á saber que la deuda colonial no debe quedar á cargo de la Metrópoli, esto nunca podria significar que España hubiese de contraer ahora respecto á los tenedores de esa deuda más obligaciones que las que contrajo al crearla. Y por lo tanto: respecto á aquella parte de la deuda en que no contrajo más que una obligación subsidiaria de pago, por haberse consignado en su emisión una hipoteca expresa sobre ciertas y determinadas rentas y productos, España tendrá el derecho de no considerarse nunca obligada por tal contrato, con arreglo á derecho, á pagar tal deuda, sinó cuando después de haberse destinado á su pago en primer término las rentas y productos hipotecados resultaran estos insuficientes, pues hasta entonces

no será exigible, según las reglas elementales del derecho, la obligación subsidiaria que contrajo.

Sin detenerse la Comisión española hoy sobre las noticias muchas inexactas, que sobre la deuda cubana se leen en el Memorandum americano, se limitará á afirmar que la Isla de Cuba no cubrió, por regla general, desde su descubrimiento, sus propios gastos.

Mientras España conservó las colonias americanas, vino la Isla sosteniéndose con los auxilios pecuniarios de sus hermanas, y señaladamente de los del Virreinato de Méjico. En este siglo, durante muy pocos años tuvo sobrantes, merced al desarrollo de su natural riqueza obtenida al fin con aquellos recursos, y estos sobrantes es cierto que entraron en el Tesoro de la Península. Mas apesar de ellos es lo cierto que en la cuenta general del Estado español, de 1896 á 97 aparece el Tesoro de la Península con anticipos á Cuba en los años anteriores de la época moderna, por valor de 429,602,013.08 pesetas, así como aparecen también adelantados á Puerto Rico 3,220,488.67 pesetas y á Santo Domingo 1,387,161.69 pesetas.

La prosperidad de Cuba fué de corta duracion, durante la mayor parte del tiempo transcurrido desde los tiempos de Colón, ya por la escasez de sus habitantes, ya por la servidumbre de la raza negra que formaba la mayoría, y ya, en fin, porque los españoles prefirieran colonizar otras partes de América, no pudo la Isla desarollar sus riquezas naturales, y, sin embargo, hubo que venir gastando constantemente en ella las grandes sumas que exigia el planteamiento de las reformas y la creacion de los establecimientos que son condición esencial de la vida moderna.

La Comisión española no puede menos de protestar contra la afirmación que en el Memorandum americano se hace, de que la insurrección de los diez años fué producto de causas *justas*. Y lamenta que sin una necesidad que lo reclamara de un modo indeclinable tal afirmación se haya consignado, como la Comisión americana, seguramente y con razón lamentaria que la española consignase aquí sin necesidad que lo exigiera, la justicia de las rebeliones de los aborígenes del inmenso territorio americano que los Estados Unidos tuvieron que sofocar tantas veces con mano férrea y que asimismo consignase el derecho á cuyo amparo los Estados del Sur habian querido romper por las armas el lazo federal.

Es inútil, por lo que luego se dirá, que la Comisión española se ocupe concretamente de los capítulos de la deuda cubana á que se refiere el Memorandum americano. Comprenden los errores que hayan podido cometerse en este documento, porque es muy natural que los Señores Comisarios americanos no conozcan con toda la precisión que se requiere para juzgarlos con acierto, los actos de la Administración española, ni en la Península, ni en sus colonias.

Y esto aparece además confirmado por los hechos.

Sobre la razón que se cree que hay contra parte de la deuda cubana en la pretendida justicia de la rebelión de una minoría de aquel pueblo reclamando su independencia, solo haremos la observación siguiente:

La minoría insurrecta, es verdad, se levantó en armas en demanda de la independencia de la isla. Los Estados Unidos equivocadamente creyeron que su causa era justa y se la impusieron con las armas á España. Mas ahora resulta que España tenia razón, porque los propios Estados Unidos reconocen que aquel pueblo no tiene aún las condiciones necesarias para gozar desde luego de su plena libertad y soberanía, y por esto están resueltos á no otorgársela y á retener en ella su dominio, hasta que el pueblo cubano pueda gozar de esa libertad prematuramente reclamada.

La Comisión Española está además en el caso de llamar la atención sobre las obligaciones de Puerto Rico. El memorandum á que contesta, se refiere únicamente á las de Cuba: ¿es que se cree que á pesar de que la soberanía de la pequeña Antilla no es renunciada, sino cedida por España á los Estados Unidos, debe también pasar libre de toda carga á su poder? ¿Es que se asienta el principio de que las cesiones de territorio, cualquiera que sea la causa que las produzca, aunque esta fuera la conquista, y mucho más siendo esta causa puramente convencional, no llevan *ipso facto* en sí mismas las cargas que afecten al territorio cedido?

En la discusión oral, los Sres Comisarios Americanos indicaron que el gobierno Español había declarado que sobre la pequeña Antilla no existía deuda alguna. Los Comisarios Españoles han registrado cuidadosamente todas las negociaciones escritas que mediaron entre las dos Altas partes, desde el ultimatum del Sr. Presidente de la Unión de 20 Abril de este año, hasta la firma del protocolo en Washington, en 12 de Agosto del mismo. En ninguna de ellas hallaron indicaciones ni vestigios de tal declaración. Y dicho sea de paso, entre otras obligaciones, pesa desde hace muchísimos años sobre la pequeña Antilla, una parte que aunque exigua, no es menos sagrada, de la carga perpetua y verdaderamente de justicia, con que España más que en su nombre en el de América, ha venido demonstrando su gratitud al inmortal Colón que la descubrió y á sus legítimos descendientes, y que la lógica llevaría á los Estados Unidos á repudiar para que continuara pagándola España, si hubieran de prevalecer las conclusiones de la Comisión, de aquellos.

Mas es el caso que la discusión sobre la deuda llamada de Cuba no parece tener oportunidad en estos momentos.

Los Señores Comisarios Americanos al ocuparse de los capítulos principales de tal deuda, creyeron sin duda que la Comisión española proponia en su proyecto que desde luego fuesen aquellos admitidos como deuda colonial, para pasar con la soberanía á Cuba, ó á los Estados Unidos. Y éste es el capital error sobre que descansa su memorandum. Los Comisarios Españoles no proponen sino que se consigne en el Tratado un principio hasta ahora siempre reconcido, á saber, que con una colonia pasa la deuda que le es peculiar y afecta á su territorio. Contra este principio, nada se dice en el Memorandum Americano. Ni espera la Comisión Española que se diga á lo menos por los Estados Unidos, cuyo territorio fué por ellos adquirido, no solo con su sangre, sino tambien con el dinero de sus cajas. Hoy no faltan publicistas que afirmen que por los trece primeros Estados satisficieron á su Metrópoli quince millones de libras esterlinas. Y son hechos oficiales que por la Louisiana, por la Florida, por los Estados Indios, por Texas, por California y por el Alaska se pagaron á Francia, España, India, Rusia y México fuertes sumas. Esta vez sería la primera en que los Estados Unidos, contra sus propias tradiciones, adquirieran gratuitamente territorios que anexionar pronto ó tarde á la Unión.

El caso de la adquisición de Texas, tan idéntico en su origen, en sus procedimientos y en su término al actual de la Isla de Cuba, prueba de un modo harto elocuente cuan distinta es la política que entonces siguió el gobierno de Washington con México, de la que ahora quiere seguir con el Gabinete de Madrid. Entonces sus armas empleadas también en apoyo de los insurrectos de Texas, se extendieron por la República mexicana, llegando á apoderarse de la propia capital, lo que no ha sucedido ahora; entonces exigieron de México la independencia de Texas, como ahora de España la de Cuba, y además la cesión del Nuevo México y de California, como ahora exigieron la de Puerto Rico y demás Antillas Españolas. Pero entonces pagaron á México sin exigirle indemni-

zación de guerra, el valor de los territorios que se anexionaban, y tomaron además á su cargo la indemnización de los Ciudadanos Americanos por aquella República perjudicadas. Hoy han exigido á España por una indemnización análoga y por gastos de guerra, la cesión de las islas sobredichas, y quieren además que las cargas de estas islas y de su hermana la grande Antilla queden á cargo de la Metrópoli, que las introdujo por su mano en el mundo civilizado.

Lo que proponen los Comisarios Españoles es únicamente el reconocimiento de este principio, porque su ejecución entienden que debe quedar después á cargo de una Comisión de personas rectas é imparciales. Si esta, reconociendo la cuenta que España presente de las obligaciones que entiende que deben ser á cargo de Cuba y de Puerto Rico, declaran que deben ser á cargo de la Metrópoli, España se conformara. Pero si declaran que todas ó algunas deben ser á cargo de la Colonia, no hay razon para que los Estados Unidos no presten en tal caso también su asentimiento. Si tan seguros están de su derecho, no pueden rehusar lo que la Comisión Española propone, ya que ningun peligro les ofrece. Y si no lo estuvieran, su alta justificación y el respecto que se tienen á sí mismos, les imponen el deber de subordinar un interés pecuniario á la causa sagrada de la justicia.

Y para demostrar la Comisión Española á la americana que el pensamiento sobredicho es el único que abriga, y que por lo tanto no intenta ahora que se reconozca el pago de cantidad alguna determinada como obligación colonial de cualquiera de las Antillas, no tiene reparo en sustituir el artículo 2º que habia presentado y en suprimir el 4º y 5º reemplazando los tres por el siguiente:

"ARTICULO 2º.—La renuncia y transferencia que hace Su Majestad Católica y que aceptan los Estados Unidos de América, comprende:

"1. Cuantas prerrogativas, atribuciones y derechos correspondan á Su Majestad Católica, como parte de su soberanía sobre la Isla de Cuba y sus habitantes.

"2. Cuantas cargas y obligaciones pecuniarias pendientes al ratificarse este Tratado de paz, que prévio un minucioso exámen de su orígen, objeto y condiciones de su creación, deban reputarse, según derecho estricto é innegable equidad, distintas de las que son propias y peculiares del Tesoro de la Península por ser y haber sido siempre propias y peculiares de Cuba.

"Para hacer el riguroso examen que se prescribe en el párrafo anterior, se nombrará por las dos Altas Partes Contratantes una Comisión de personas competentes é imparciales según se determinará en el artículo correspondiente de este Tratado."

Respecto del 2º párrafo del artículo 3º del proyecto español, á los Sres Comisarios Americanos no les parece aceptable la excepción de los bienes patrimoniales del Estado que en él se establecia. Según el derecho administrativo español, el Estado ejerce las facultades del dominio sobre todos los bienes que la ley española declara de dominio público. Estos claro es que van comprendidos en la cesión de la soberanía. Mas en España el Estado puede tambien adquirir y conservar como persona jurídica bienes inmuebles por los mismos títulos que el derecho civil establece para los particulares. Estos eran los que se exceptuaban en la cesión. No obstante lo que se acaba de decir, para demostrar una vez más la Comisión Española su deseo de transaccion y de paz, renuncia á esta excepción y pasa porque sean también comprendidos dichos bienes patrimoniales del Estado en la cesión y renuncia de su soberanía en las Antillas.

Las demás excepciones consignadas en aquel artículo no puede creer

la Comisión española que dejen de ser aceptadas por la americana. Esta en su proyecto hablaba solo de la propiedad *individual*. Pero no ignoran ciertamente los Honorables individuos de la Comisión Americana, y hasta sería ofender su grande ilustración el suponerlo, que además del individuo hay otras personas jurídicas en el seno de todas las sociedades civiles, que son capaces, por las leyes, de adquirir y conservar la propiedad mueble é inmueble. Las sociedades mercantiles é industriales, las de derecho común civil, los establicimientos públicos como los de beneficencia ó enseñanza, etc. pueden en España y sus Colonias adquirir y conservar la propiedad sobredicha, que está al amparo de las mismas leyes que rijen y protegen la propiedad individual. Pues á la propiedad de estas personas jurídicas, conocida vulgarmente con el nombre de propiedad corporativa, porque no es un individuo sino una corporación el dueño, se refieren todas las excepciones comprendidas en el segundo párrafo del art.° 3° del proyecto español.

En el cuarto párrafo del mismo artículo también han llamado la atención de los Señores Comisarios Americanos respecto á la entrega de los Archivos, las frases que tienen por objeto manifestar que los Estados Unidos dispondrán de ellos con los mismos derechos y obligaciones con que hasta ahora han estado á disposición del Gobierno español. La explicación de estas frases es muy obvia: el Estado más que dueño absoluto de los Archivos públicos, es su depositario y conservador, así es que no puede destruirlos ni enajenarlos, ni privar á los ciudadanos del uso que necesiten hacer de los documentos en ellos contenidos para la defensa de sus derechos. ¿Puede el Estado destruir el Registro Civil donde consta el estado civil de cada ciudadano? ¿Puede destruir el Registro de la propiedad donde constan los títulos de dominio del patrimonio de cada cual? Ciertamente no; pues eso es lo único que se dice en tales frases. Los Estados Unidos podrán disponer de los Archivos como podría disponer el Gobierno español, pero nada más que este derecho puede este Gobierno trasmitirles, porque ningún otro más tiene sobre ellos.

A mayor abundamiento y para que no ofrezca á la Comisión Americana duda alguna el sentido del pensamiento de la Española, ésta sustituye el artículo 3° que tenía presentado con el que presenta ahora, en el que, además de suprimir la excepción de los bienes patrimoniales del Estado, aclara los conceptos que parecieron dudosos á la Comisión americana sobre los Archivos y sus papeles. Hé aquí su texto.

"ARTICULO 3°.

"En cumplimiento de lo convenido en los dos artículos anteriores, S. M. Católica, en la representación con que celebra este Tratado, renuncia y transfiere á los Estados Unidos todos los edificios, muelles, cuarteles, fortalezas, establecimientos, vías públicas y demás bienes inmuebles que con arreglo a Derecho son de dominio público, y que como de tal dominio público corresponden á la Corona de España en la Isla de Cuba.

Quedan por lo tanto exceptuados de esta renuncia y transferencia todos los derechos y bienes de cualquiera clase que sean que, hasta la ratificación del presente Tratado, hayan venido pacíficamente poseyendo, en concepto de dueños. las Provincias, municipios, Establecimientos públicos ó privados, corporaciones eclesiásticas ó civiles y cualesquiera otras colectividades que tengan legalmente personalidad jurídica para adquirir y poseer bienes en la Isla de Cuba, y los particulares, cualquiera que sea su nacionalidad.

"S. M. Católica renuncia tambien y transfiere á los Estados Unidos, á quien se le entregarán por el gobierno Español, todos los documentos y títulos que se refieran exclusivamente á la soberanía transferida y aceptada, y á todos sus derechos, que existan en los Archivos de la Península. Habiendo de facilitarle copias cuando los Estados Unidos las reclamasen, de la parte correspondiente á dicha soberanía que contengan los demás documentos y títulos que se refieran además á otros asuntos distintos de la Isla de Cuba y de su soberanía y derechos, que existan en los mencionados Archivos. Una regla análoga habrá reciprocamente de observarse á favor de España respecto á los documentos y títulos agenos en todo ó en parte á la Isla de Cuba, que se hallen actualmente en sus Archivos y que interesen al Gobierno español.

Todos los Archivos y Registros Oficiales, así administrativos como judiciales, que están á disposición del Gobierno de España y de sus Autoridades en la Isla de Cuba, y que se refieran á la misma isla ó á sus habitantes y á sus derechos y bienes, quedarán sin reserva de ninguno de esta clase á disposicion de los Estados Unidos para que los conserven ó dispongan de ellos con las mismas facultades que hasta ahora han tenido sobre los mismos el Gobierno español y sus Autoridades.

Los particulares, así españoles como cubanos, tendrán derecho á sacar, con arreglo á las leyes, las copias autorizadas de los contratos, testamentos y demás documentos que forman parte de los protocolos notariales ó que se custodien en los Archivos Administrativos y judiciales, bien estos se hallen en España ó en la Isla de Cuba."

En el artículo VI del proyecto español no se consignaba la causa de la cesión que hace España á los Estados Unidos de la Isla de Puerto Rico y demás Antillas y de la de Guam en las Marianas. Y sin embargo, esta causa está expresamente consignada en el ya citado despacho del Secretario de Estado en Washington, contestando al mensaje del gobierno Español. En él después de manifestarse que el Señor Presidente de la República no reclamaba una indemnización pecuniaria por la guerra para dar prueba de una señalada generosidad, se lee el siguiente párrafo: "Sin embargo no puede permanecer insensible á las pérdidas y á los gastos ocasionados por la guerra, ni á las reclamaciones de nuestros conciudadanos con motivo de los daños y perjuicios que han sufrido en sus personas y bienes durante la última insurrección de Cuba.

"En consecuencia está obligado á pedir la cesión á los Estados Unidos y la evacuación inmediata por España de Puerto Rico y de las demás islas que se hallan actualmente bajo la soberanía de España en las Indias Occidentales, así como la cesión en las Ladrones de una Isla designada por los Estados Unidos."

Estos designaron la Isla de Guam.

Los Comisarios Españoles sustituyen el artículo VI de su anterior proyecto con el que ahora presentan, haciendo constar la causa de la cesión. La Comisión Americana es bien seguro que en este punto estará conforme con la Española para que en el Tratado no aparezcan los Estados Unidos adquiriendo gratuitamente aquellas Islas.

Hé aquí el artículo.

"ARTICULO IV.

"En compensación de las pérdidas y gastos ocasionados á los Estados Unidos por la guerra, y á las reclamaciones de sus conciudadanos con motivo de los daños y perjuicios que hubiesen sufrido en sus personas y bienes durante la última insurrección de Cuba Su Majestad Católica, en nombre y representación de España y constitucionalmente autori-

zada por las Cortes del Reino, cede á los Estados Unidos de América y estos aceptan para sí mismos, la Isla de Puerto Rico y las otras Islas que actualmente están bajo la Soberanía Española en las Indias Occidentales, así como la Isla de Guam en el Archipiélago de las Marianas ó Ladrones, que fué elegida por los Estados Unidos de América en virtud de lo convenido en el artículo 2º del Protocolo firmado en Washington el 12 de Agosto último."

Respecto al artículo 7º del proyecto, la Comisión Española entiende por cuanto va dicho en este Memorandum, que debe sostenerlo sin otra variante que la indispensable para ponerlo en relación con los nuevos artículos que se presentan.

Quedará pues redactado en la forma siguiente:

V.

"Esta cesión de la soberanía sobre el territorio y habitantes de Puerto Rico y las demás Islas mencionadas se entiende que consiste en la cesión de los derechos y obligaciones, bienes y documentos relativos á la soberanía de dichas Islas, iguales á los que respecto á la renuncia y transferencia de la soberanía de la Isla de Cuba, se definen en los Artículos anteriores."

En resúmen, de todo resulta que la única cuestión que hasta ahora existe y aguarda una resolución de ambas Comisiones, está reducida á una cuestión pecuniaria de importancia relativamente secundaria para una de las Altas Partes Contratantes, la de la Deuda Colonial.

Y entienden los Comisarios Españoles que no es posible que una cuestión de esta índole pueda dejar de tener una solución satisfactoria, ya que media entre partes la una el más grande Estado del Nuevo Mundo, inmensamente rico y próspero, con inagotables recursos con que le dota la naturaleza y la prodigiosa actividad de sus habitantes, y el cual adquiere además por este Tratado territorios de grande importancia, realizando así una aspiración de su política en América, y la otra una grande y noble nación del antiguo, cordial amiga de aquel en dias para ella más prósperos, pero empobrecida hoy por las desgracias que sobre ella ha acumulado el siglo que termina, con un Tesoro cargado de obligaciones y á la cual este Tratado se reserva la confirmación solemne de la pérdida de los últimos restos del Imperio Americano, cuyo descubrimiento hizo posible la existencia de aquella gran República, y que además con él tanto enriqueció al mundo moderno, á costa quizás de su propio bienestar y del desarrollo que tenía derecho á esperar de sus grandes elementos de riqueza acumulados y no explotados en su seno, por dedicar preferente su atención á Colonias, que como otros seres en el órden de la naturaleza á quienes su madre dedica sus desvelos, ha criado y sostenido á costa de su propio bienestar.

Está conforme:

EMILIO DE OJEDA.

[Translation.]

ANNEX TO PROTOCOL NO. 9.

[Memorandum.]

It is with deep regret that the Spanish Commissioners have thoroughly acquainted themselves with the memorandum presented by the American Commissioners at the last session, held on the 17th instant.

In this document the said gentlemen, relying upon assertions and views to the accuracy of which the Spanish Commission cannot subscribe, despite the upright intention with which it doubts not they were expressed, end by saying that they substitute for the draft of the two articles relating to Cuba and the other islands, which they presented at the session of the 3rd instant, two other articles which are limited to literally copying the two first articles of the Protocol of Washington, alleging in this behalf that they understand that the treaty of peace, so far as it refers to the sovereignty of the West Indies and the Island of Guam in the Marianas, should contain neither more nor less than a literal reproduction of those two articles.

But as these already form a part of a binding agreement, which the Protocol of Washington is, it seems useless merely to reproduce them in the treaty which is to be elaborated in the conference. Contracts, private as well as international, are perfect and produce all their effects for the parties executing them without the necessity of any subsequent confirmation, which can in no wise increase their efficacy. Therefore, this reproduction, if the treaty of peace relating to the West Indies is to be thus limited, as the American Commissioners desire, seems to be redundant.

If this consideration is pure reason or even mere common sense, the proposal of the American Commissioners can only be comprehended on the supposition that the latter understand that the treaty, apart from any provision of a secondary character that may be included therein, should relate only to the Philippine Archipelago.

If such is the thought of the American Commission, the Spanish Commission cannot assent thereto, because it understands that its execution would be an infraction of the Protocol.

After the three conditions which the Secretary of State at Washington, replying on July 30 last to the message of the Government of Her Catholic Majesty of the 22nd of the said month, proposed to Spain for the termination of the war, he said: "If the terms hereby offered are accepted in their entirety commissioners will be named by the United States to meet similarly authorized commissioners on the part of Spain for the purpose of settling the *details of the treaty of peace* and signing and delivering it under the terms above indicated." These *details* do not appear to be circumscribed to the archipelago.

The very President of the American Republic in the conference he held on August 10 with the Ambassador of France, representing Spain for the time being, made an absolute distinction between the Protocol and the treaty of peace, stating that the former should only be *a mere preliminary document* which should have no object or effect other than to record without any delay the agreement of the two Governments upon the *principles themselves* of the peace, and that, therefore, it would not be necessary to reserve therein either the rights of the Cortes or those of the Federal Senate, who were charged only with the ratification of the *final treaty*.

The President, it is true, spoke of the Philippine question to state that it was reserved for the Paris conference; but he never said, or even intimated, that this subject should be the only one to be treated by this conference.

And, finally, in Article V of the Protocol, framed in harmony with all these antecedents, it is said that the Commissioners named by both High Parties were to proceed to Paris to negotiate and conclude a *treaty of peace*, without limiting or restricting their object, and, on the contrary, employing a phrase the evident meaning of which is that the

treaty of peace to be elaborated by the Commission should settle all questions at the time pending between the two states which were not already settled in the preliminary agreement of the Protocol.

It is true that the American Commissioners base their last draft on the ground that everything relating to the Spanish Antilles is already settled in the Protocol. But this argument is precisely the one to which the Spanish Commissioners from the very first conference have not been able and are now unable to assent.

The Americans in their memorandum of the 11th of this month stated that the Spanish Commissioners placed conditions to the relinquishment of sovereignty over Cuba in their proposal. A very serious error. In that proposal the absolute and unconditional character of such relinquishment is not disregarded; all that is done therein is to lay down what this relinquishment consists of. And this is essentially different from what the American Commissioners understand.

And that, in fact, the articles of the draft of the Spaniards have for sole object the establishing of the meaning of the relinquishment, but not to subject it to conditions, is demonstrated by the very object of the oral and written discussions which have been taking place between the two sides.

The American Commissioners understand that the only meaning which can be given to the relinquishment of the sovereignty agreed upon in the Protocol is that of the *abandonment* of this sovereignty, to deduce therefrom that Spain should abandon the Island of Cuba just as any power may abandon a desert territory in Africa which it might formerly have possessed.

Although the Spanish Commission distinguishes between the legal meaning of the word *abandonment* and that of the word *relinquishment*, it would not engage in this technical discussion (improper in a diplomatic conference) were it not for the fact that the American Commission urges its opinion as the principal ground for its claim that through such supposed abandonment all legal bond is severed and no new one grows out of the act, as between Spain and the United States, upon the latter taking possession of the island either in their own name and for themselves, or in the name of and for the Cuban people.

But this claim, unexampled in the diplomatic annals of the world, cannot be admitted by the Spanish Commissioners, who make a part hereof of all that they set forth in the first section of the memorandum they presented in reply to the draft of articles of the American Commission, and they add the following brief observations which are suggested to them by the two memoranda lately presented by the latter Commission:

The Spanish Commission passes over the citation made in support of its opinion by the American Commission from the Diccionario de Escriche, which is certainly a very respectable work, but whose only object is the exposition of the practical principles of private municipal law, a very popular exposition in Spain, it is true, as it serves as a mentor for young lawyers in the early period of their professional life, but which is absolutely foreign to the science of international and public law.

Cases of abandonment in the sense claimed are not recorded in the modern history of peoples save those of desert territories, or at best, populated by the barbarous tribes of Africa. An abandonment of a true state already formed, existing for centuries, with a complete social and political organization and peopled with inhabitants who enjoy and have the right to enjoy all the benefits of modern civilization, has never

been known up to the present time, and the Spanish Commissioners do not believe there is such a case in the world. Abandoned territories are legitimately occupied by the state desiring to establish its sovereignty therein. But this merely *de facto* occupation does not impose upon the occupant duties other than those performed in the regions of Africa by the European powers with regard to barbarous tribes peopling or overrunning them. Does the American Commission believe that the United States, as occupants of the Island of Cuba (since this is the only condition upon which, according to the view they defend, they are to take possession of it,) are to have no duties with respect to the inhabitants of the Great Antillian Isle other than those performed with regard to those degraded human beings?

We are fully satisfied that such is not the thought of the American Commissioners, but their insistence in denying all difference in law between the effects of abandonment and the effects of relinquishment, inevitably leads to this conclusion.

And this, notwithstanding the assertion of the American Commissioners in their last memorandum to the effect that the United States will afford the inhabitants of Cuba and their property all the protection they may need, as they have been doing in the small portion of territory of the island occupied by force of arms. Do the United States believe that they ought not to recognize more rights in Spain upon her relinquishing her sovereignty over the Island of Cuba and its inhabitants than they or any other power would hasten to recognize in the most unfortunate of the African tribes whose territory they were taking? But aside from the fact that they themselves do not attribute to this obligation, which they say they have, more than the right to be possessors of the island, it is also true that the said Commissioners do not lend themselves to this or any other obligation of the United States being recorded in the treaty, which, as they demand, must be limited to the reproduction of the two first articles of the Protocol. Therefore, this obligation, which in the memorandum they say they contract, will not be enforceable, as it is not in the treaty; and without any intention to offend the United States, logic absolutely precludes the denial of the possibility of there happening, more or less, in this connection that which happened with respect to the obligations which the United States spontaneously contracted in the negotiations leading up to the Protocol and which, notwithstanding this, the American Commissioners decline to have appear in the treaty.

The Congress of the United States in its Joint Resolution and the President of the Union in his ultimatum to Spain could have demanded of the latter nation (although it is useless to state that Spain would not have acceded to so harsh a demand) the absolute abandonment of her sovereignty over Cuba in the sense in which it is now demanded by the American Commissioners, as he could have also demanded its full cession to the United States free of all burdens. But the truth is that he did not demand it because he limited himself to claiming the relinquishment of the sovereignty in order that the Cuban people might become free and independent, or, what is the same thing, the relinquishment of the sovereignty in favor of the Cuban people, that they might become free and independent, although at the same time he demanded that this relinquishment should be at the outset made in favor of the United States for that people to whom the United States were to give aid and guidance, as it was not otherwise possible for the Island of Cuba to pass directly and immediately from the possession of Spain to that of the Cuban people, as it was to remain in the con-

trol of the United States until the pacification of the island. It seems to us that the American Commissioners cannot fail to recognize this as strictly correct.

And if such were the terms in which the United States expressed their demand, to which Spain finally acceded without the former having previously modified them, it is as clear as the light of day that the agreement which is formulated in Article I of the Protocol (for no other was concluded between the two High Parties) must necessarily be taken in the sense of the terms in which it was proposed by one of the parties and accepted by the other, and that it is not lawful for either of the parties now to alter those terms for the purpose of converting that relinquishment, demanded for a determinate purpose and following a procedure agreed upon, into an absolute abandonment, without the object and procedure stipulated, as the American Commission now contends should be done.

Therefore what is to be set forth in the treaty is not the abandonment which the American Commission demands but rather the relinquishment agreed upon which the Spanish Commission upholds. The case is analogous to many others which colonial powers have had to meet when they lost their sovereignty over all or a part of their colonies. Never did a colonial power *abandon*, in the sense it is now sought to urge, a colony, that it might be converted into a new state, free and independent. When such a case arose, the mother country ceded or relinquished her sovereignty if the colony had not conquered it previously by force of arms, but she never abandoned it in the sense referred to. If the American Commissioners are not in accord with this categorical assertion, we beg them to cite one case that will contradict it.

The Spanish Commissioners also beg the American Commissioners to direct their calm and enlightened attention to the flagrant contradiction which stands out between their theory and the acts which the United States have been carrying into effect. According to the American Commission the only legal situation possible over the Island of Cuba between Spain on the one part and the United States for themselves or in the name of the Cuban people on the other is the following: Spain must abandon the Island of Cuba. The United States after the abandonment are to take possession of the island for the Cuban people. And consequently the transit of the island from one situation to another must be made without establishing any legal bond between Spain and her former colonies and, for the latter, the United States. Very well; the forces of the United States conquered Santiago de Cuba and signed a capitulation with the Spanish military authorities. In this they did not demand that the forces of the mother country should abandon Santiago de Cuba, but that it should be *delivered* to the American authorities, an inventory being made which was signed by both parties, in which is recorded how much the one *delivered* and the other *received*. The American Commission which is in Havana, having been appointed pursuant to the provisions of Article IV of the Protocol, demands that the Spanish Commission deliver over to it all that belongs to Spain in the exercise of her sovereignty as well in the *civil* branch as in the *military;* and this pursuant to the express instructions of its Government; and it is unnecessary to state that this delivery must also be made with an inventory.

In view of these facts is it possible to deny to Spain, upon relinquishing her sovereignty over Cuba, the right to demand that the United States have it delivered over to themselves?

But there is more than this: the American Commission, in spite of the theory it is urging, has accommodated its first steps to the theory urged by the Spanish Commission. In the second paragraph of Article I which the former Commission presented on October 3, it calls the relinquishment of the sovereignty of Spain in Cuba a *cession*, not an abandonment. And this cannot be explained as a simple inaccuracy in language, because in Article II it establishes what are to be the effects of the cession of the sovereignty of Porto Rico, and employs in establishing these effects the same, exactly the same, phrases which it had just employed in Article I to establish the effects of the relinquishment of the sovereignty in Cuba. A complete proof that the American Commission, notwithstanding the opinion it sustained in the heat of the debate with the Spanish Commission on framing its first draft, understood that the effects of the relinquishment of sovereignty were the same, exactly the same, as those of a cession.

And if it is argued that although the effects are the same, the relinquishment, which the American Commission called abandonment, is distinguished from the cession in that the former is not made to any one who is to acquire the abandoned territory, whereas, on the contrary, cession is made in favor of some one who is to acquire the ceded territory, the American Commissioners also failed to mark this difference in their draft, for, speaking in both articles of the archives and other papers which were to be the object of the relinquishment or cession, they say the same thing in both, employing the same phrases, that every certified copy of said document that might be requested by an officer of the Spanish Government should be issued to him at all times, and this is unintelligible save in the sense that there must be some one to issue such copy. And it will be impossible to issue it save by the one having in his possession the document to be copied. And he who has not received it cannot have it in his possession. Consequently, when the American Commissioners established in Article I the rules relating to the delivery of the archives of the Island of Cuba they acted on the supposition that such delivery had to be made to some one. And this, and nothing more than this, is what they set down in Article II relating to the delivery of the archives of the Island of Porto Rico.

The American Commission, in order to sustain its inadmissible opinion regarding the abandonment by Spain of the Island of Cuba, relies on the difference which appears in the Protocol itself. They say that Spain agreed to *cede* only Porto Rico to the United States while she bound herself to *relinquish* the Island of Cuba. From this they deduce that the effects of the obligation of Spain with respect to one are broader than with respect to the other. We have already proved by the very text of the draft of articles presented by the said gentlemen that when they drew it up they did not even perceive this difference in the effects with respect to Spain. The difference, nevertheless, is well understood under another aspect. The United States made a demand on Spain and afterwards declared war on her that Cuba might become free and independent. And it is clear that having conquered they could not demand that the island be ceded to them, ignoring the liberty and independence thereof, as this would give cause to the world to believe that such liberty and independence had not been the true cause of the conflict. They did not make the same demand regarding Porto Rico, and did subsequently claim the sovereignty of the latter island and of the others surrounding Cuba (which will render impossible its independence without the will and gracious consent

of the United States, which will always have it at their mercy owing to their control over the islands surrounding it like a band of iron) in the way of indemnity for the expenses of the war and of the damages which they said American citizens had suffered during the colonial insurrection. This is the natural explanation of why in the Protocol the sovereignty of one island appears as relinquished and that of the others as ceded.

The Spanish Commissioners understand from all the foregoing that it is their nonevadable duty to continue to maintain that the relinquishment of the sovereignty in Cuba to which Spain bound herself in the article of the Protocol must be understood not as an abandonment of sovereignty in the sense given to the phrase by the American Commissioners, but in that of a relinquishment properly speaking, as expressed in the copy written in French, which the American Government also signed and which for this reason, it cannot do less than accept as an official text. Consequently Spain is bound to relinquish the total sovereignty over Cuba, so that another obligation may bind the United States, which is that of receiving the island in the name of and for the Cuban people, for whom, aside from the high humanitarian motives which, as they assert, inspired their action (although Spain cannot assent to this) they freely and of their own motion constituted themselves agents with all the obligations imposed on the "*negotiorum gestor*" (although they persist in affirming that they are not such "*in rem suam*"), as the law designates him who charges himself with managing and defending the interests of another, although the latter may not have conferred upon him express and official power.

The Spanish Commissioners therefore believe that the counterdraft of the first article which they presented is framed in the strict sense of Article I of the Protocol, save in one important point which the Spanish Commissioners proceed to take up.

The United States of America demanded of Spain, as has been said, the relinquishment of the sovereignty over Cuba in the terms set forth in this memorandum.

The American Commission in its last memorandum but one says that, if Spain had acceded as required in the ultimatum to the abandonment of the Island of Cuba without delivering it to the United States, everybody would have thought that Spain had done all that could be required of her. Everybody perhaps would have thought so except the United States, because it does not seem to the Spanish Commission that it is under the necessity of showing that there is no one either in Europe or America who believes that the United States would have been satisfied with Spain withdrawing from the Island of Cuba, they abstaining from all intervention in the Greater Antille, so that the people inhabiting it should continue fighting among themselves and, in the exercise of their natural right, making of themselves and their destinies the use or the abuse which in view of their independence they could make with or without reference to the will of the United States.

It is the undeniable and immediate result of these terms that the United States must receive the Island of Cuba, not to retain it for all time nor even indefinitely as their own, but to exercise their sovereignty until the island is pacified and to turn it over to the people inhabiting it as soon as the pacification thereof shall be realized.

This, then, must, if the agreement which has intervened between the two High Contracting Parties is to be complied with, be recorded in the first article of the treaty relative to such relinquishment.

Such was the understanding of the Spanish Commissioners. But, animated by their keen desire for composition and peace, they consented that the United States should remain at liberty to pass the sovereignty of the island over to the Cuban people, when the former, and they alone, should consider that the proper time for doing so had come.

By this proposition the Spanish Commissioners gave up, in deference to the United States, the most important right held by Spain, to demand, when the pacification of the island shall be effected, that they do not retain this said sovereignty, and that they pass it over to that people.

The American Commission persists in affirming that such is the intent of the United States, but does not want the notorious right of Spain to demand that it be carried out in due time to be of record in the treaty.

But since the American Commissioners are decidedly opposed to accepting the proposed article because of their construction that it is not in accord with the first article of the Protocol, the Spanish Commissioners substitute for it another, which will not only strictly agree with the correct meaning of that first article, but will be seen to be worded not only in its very terms but also in the sentences literally copied from the notes which preceded its drafting and determined its import.

Here is the new phraseology which is proposed in substitution for the previous one:

"Her Catholic Majesty, the Queen Regent of Spain, in the name of her August Son Don Alfonzo XIII, King of Spain, thereunto constitutionally authorized by the Cortes of the Kingdom, relinquishes her sovereignty over and title to Cuba.

"The United States of America, accepting said relinquishment, receive the Island of Cuba from Spain to lend it aid and guidance and hold it under their control and government until, the pacification thereof realized, they leave said control and government to the Cuban people."

BASIS OF THIS ARTICLE.

Paragraph one is the transcript of Article I of the Protocol with the changes of diplomatic form.

The import and phraseology of paragraph two are taken from the ultimatum addressed to Spain by the Government of Washington and communicated on the 20th of April last by the Secretary of State to the Minister of Spain at Washington. There also appear therein the views and the sentences of the American Government set forth in the reply of the Secretary of State of Washington of the 31st of July last to the message of the Spanish Government proposing to terminate the war. Here are the said sentences:

"The Government of the United States has not shared the apprehensions of Spain (that of the lack of present aptitude of the Cuban people for independence) but thinks that in the perturbed and prostrate conditions of the island the said island needs *aid and guidance, which the American Government is prepared to grant to it.*"

There is, therefore, in the new drafting of the article, no other import nor other phrases than those set forth in the ultimatum of the United States to Spain in the aforementioned note of their Secretary of State and in the Protocol worded in compliance with the ultimatum and in accordance with the intent of the United States, as set forth in the aforesaid note.

Notwithstanding that, the Spanish Commissioners especially request the American Commissioners to bear in mind that, if the legitimate

demands on the part of Spain that the treaty mention her right to ask in due time of the United States of America the fulfilment of the engagement spontaneously undertaken by them, to leave the Island of Cuba free and independent whenever peace is restored, be distasteful to them, the former are ready to forego this demand, leaving it exclusively to the determination of the United States to decide at what time this engagement should be fulfilled, if the conclusion of the pending treaty of peace can be subserved by such renunciation by the Spanish Commission.

The American Commissioners also reject the other articles of the draft submitted by the Spaniards.

They do not admit that the charges and obligations of the sovereign which proceed exclusively from the public service of the colony are part of the sovereignty. The Spanish Commission, without entering upon a purely technical discussion of the question as to whether such obligations form part of the sovereignty or are merely an effect of the exercise of the sovereignty itself, for the result of such a discussion would be absolutely without effect upon the point on which the Commissioners on both parts do not agree, will simply proceed briefly to set right the facts and the opinions which are set forth in the American memorandum of the 14th instant. In order to demonstrate that the colonial obligations of Spain in Cuba must not remain a charge upon that island, the American Commissioners state that these obligations were contracted by the Crown through the medium of its officials in the colony, but without any intervention or consent towards such obligations on the part of the colony.

It is true, the colonial system then prevailing in Spain did not confer upon its colonies the right of having elected Chambers which would administer the supreme powers in conjunction with the sovereign. In the last twenty years, however, it was not thus. The Antilles had representatives in both Chambers who surely intervened in all the legislative acts bearing upon colonial obligations without ever protesting against their lawfulness or binding force. Moreover, besides this, it cannot be denied that so long as this system prevailed, maintaining all the characteristics of legality established at the time, the acts which the colonial sovereignty performed within the powers with which it was invested by law, were perfectly lawful, and carried, as they could not fail to do, all their rightful consequences. It is a fundamental maxim of public law, without which the credit of a state could not exist, because the validity of all its acts would always be at the mercy of any triumphant revolutionary movement whatsoever. The wisdom of the acts of the sovereign may be discussed, but when they have been executed by virtue of his attributes and in the solemn form recognized and established by law, their lawfulness and binding character are not a matter for discussion.

This principle was recognized by the First Consul when he concluded his first treaty of August 24, 1801, with Bavaria. In its fifth article he agreed to apply the provision of the Luneville treaty of peace with regard to the mortgage debts of the country on the left bank of the Rhine. In those territories there were Diets which participated in the power of the sovereign, and for this reason the said treaty of Luneville demanded that such debts should have been agreed to by them. But in the Duchy of Deux-Ponts and in that part of the Palatinate of the Rhine which France acquired by the treaty with Bavaria there was no such a governmental institution, and, therefore, the First Consul agreed in the treaty of 1801 that the debts should follow the countries, pro-

vided they had been registered at their origin by the supreme administrative authority.

If the position opposed to this doctrine were maintained, the Russian people might be exempted from meeting all the obligations that may have been or may be contracted by its Emperors while this system should obtain, for the administration and government of their Empire, in the event of the abolition of the autocratic system now prevailing in Russia. The United States themselves, who as a matter of fact continued to observe after their emancipation many of the provisions of law enacted previously without their intervention by the power of the mother country, would have to return to Russia Alaska, which the Emperor sold to them in 1807 without the intervention in such sale of the inhabitants of the country thus sold; likewise they should return to Spain Florida, for the same reason, etc.

If in order that a debt be lawful it be necessary that the people which has to pay the same should intervene when it is incurred, when the law does not confer such intervention, how much more necessary must the intervention of a people be when its sovereign sells the territory which it inhabits.

The very act of cession of sovereignty over the Antilles would be tainted with nullity, since the Cuban and Porto Rican peoples have not been consulted and have not expressed their formal assent to the Protocol of Washington. Such are the consequences of a theory which in the heat of the discussion has been advanced in the memorandum of the American Commissioners.

The very point which most limits the freedom of action of sovereigns in the conclusion of their treaties is that relative to the debts of their states. As to the integrity of their territory and even as to their own honor they may bind themselves freely and validly because they dispose of what is their own. But this liberty is curtailed when their acts immediately reflect on the lawful rights of those private parties who lawfully acquired said rights under the protection of the laws and have thereafter had no part whatsoever in the conflicts which are solved by treaties, and should consequently not suffer unduly from the consequences of such treaties to the prejudice of their private and legitimate interests.

When the creditors of a state make a contract with the same, they always take into earnest account the conditions of solvency of the state to which they lend their property. Hence, when these conditions of solvency are impaired in consequence of territorial cessions, the High Contracting Parties between whom these cessions are effected, that which makes the cession as well as that which acquires the ceded territory, always endeavor wholly to respect such rights by means of a partition of the obligation between the territory kept by the ceding sovereign and the territory acquired by the sovereign to whom it is ceded. This is what has been done in the treaties of territorial cession.

But when the creditors have been granted by the very certificate of their contract a direct lien on certain defined property or certain defined income, in order thus to recover the loaned capital and its legitimate interest, the sovereign cannot then, without first reckoning with their consent, cede or freely dispose of such property and incomes as if they were his full and exclusive property.

If a sovereign should consent thus to trample upon rights which are not his own, those to whom such rights appertain would not be bound to submit and remain without appeal, in the name of the sacred principles which protect private property, to the respect of what belongs

to him, whoever he may be who has in his power that which lawfully belongs to him.

And it were well in this connection formally to record that even granting that the principle sustained by the Spanish and contested by the American Commission, to wit, that the colonial debt should not be chargeable to the mother country, is inadmissible, this could never mean that Spain should now assume, with respect to the holders of that debt, more obligations than she contracted upon creating it. And, therefore, with respect to that part of the debt where she contracted only a subsidiary obligation to pay (since at issue it was expressly secured by certain and determinate revenues and receipts), Spain will have the right, under the law, to consider that she is not bound to pay such debt save in the event of the revenues and receipts primarily hypothecated to the payment thereof proving insufficient, for not until then, according to the elementary rules of law, will the subsidiary obligation she contracted be enforceable.

Without expatiating to-day on the information, very incorrect, which is set forth in the American memorandum concerning the Cuban debt, the Spanish Commission would confine itself to asserting that as a general rule the Island of Cuba has not since its discovery covered its own expenses.

As long as Spain kept the American colonies the island was sustained by the pecuniary aid of her sisters and specially by that of the Vice-Royalty of Mexico. In this century, for a very few years, she had a surplus, thanks to the development of her natural resources, at last obtained through this assistance, and it is true that this surplus was turned over to the treasury of the Peninsula. But with this exception it is patent that the general accounts of the Spanish state from 1896–1897 show that the treasury of the Peninsula advanced to Cuba, in the years preceding that recent period, a sum amounting to 429,602,013.08 pesetas. There also appears an advance to Porto Rico of 3,220,488.67 pesetas, and to Santo Domingo 1,397,161.69 pesetas.

The prosperity of Cuba was of short duration: for the greater part of the time from the days of Columbus, by reason either of the scarcity of its inhabitants or of the slavery of the black race which formed the majority, or lastly because Spaniards preferred to colonize other parts of America, the island was unable to develop its natural resources; and it was nevertheless constantly necessary to expend in the island the large sums which were required for the establishment of reform and the creation of the institutions which are the essential conditions of modern life.

The Spanish Commission cannot but protest against the assertion made in the American memorandum that the ten years insurrection was the outcome of just grievances, and it regrets that such an assertion should have been made without a necessity which would have required it unavoidably, in the same way as the American Commission would surely, and with good reason, regret that the Spanish Commission should say anything here without an imperative necessity of the justice of the rebellions of the natives of the immense American territory which the United States had so often to suppress with an iron hand, and if it should also say anything of the right by which the Southern States attempted to break the federal bond by the force of arms.

It is useless, for reasons that will hereafter be stated, for the Spanish Commissioners to take up the concrete discussion of the divisions of the Cuban debt to which reference is made in the American memorandum. They understand the errors that may have found their way into

that document, because it is very natural that the American Commissioners should not have such accurate knowledge as is requisite for precise judgment of the acts of the Spanish administration in the Peninsula or in its colonies.

And we find a confirmation of this in the facts.

In regard to the argument against the recognition of a certain part of the Cuban debt, on the ground that the rebellion of a minority of the Cuban people to obtain their independence was just, we have only to make the following remark:

The insurgent minority, it is true, rose up in arms to secure the independence of the island. The United States erroneously believed that their cause was just, and by force of arms caused it to prevail against Spain. But now the facts have shown that Spain was right, as the United States themselves have had to recognize that the Cuban people are not as yet in such conditions as are necessary to entitle them to the enjoyment of full liberty and sovereignty. It is upon this ground that the United States have decided to withhold from that people the said privileges and to hold them under American control, until they become able to enjoy that liberty prematurely demanded by them.

The Spanish Commission feels bound, furthermore, to call the attention of the American Commission to the obligations of Porto Rico.

The American "memorandum" which is now answered refers exclusively to the obligations of Cuba. Is this omission due to the belief that as the sovereignty over Porto Rico was not relinquished but ceded by Spain to the United States, it must be conveyed to the latter free from burdens of all kinds? Is the principle maintained that cessions of territory, for whatever causes, whether conquest, or a mere agreement, do not carry with them *ipso facto* all the burdens which encumber the ceded territory?

In the oral discussion the American Commissioners stated that the Spanish Government had declared that no debt rested on the smaller Antille. The Spanish Commissioners have carefully gone over all the written communications that have passed between the two High Parties, from the ultimatum of the President of the Union of April 20 of this year to the signing of the Protocol in Washington on August 12 of the same. In none of them have they found a suggestion or trace of such a declaration. And, be it said in passing, that among other obligations, the smaller Antille has been burdened for very many years with a part, which though small is no less sacred, of the perpetual and truly just charge through which Spain, in the name of America rather than her own, has been showing her gratitude to the immortal Columbus, who discovered it, and his legitimate descendants, and, should the conclusions of the American Commissioners prevail and Spain continue paying it, logic would place the United States in the position of repudiating it.

But the fact is that the discussion upon the so-called Cuban debt seems to lack opportunity at the present.

The American Commissioners, when referring to the principal items of the said debt, doubtless believed that the Spanish Commission had suggested in its draft the said items to be at once admitted as colonial debt to be transferred together with the sovereignty either to Cuba or to the United States; and this is the capital error upon which the American memorandum is based. The Spanish Commissioners only wish that the principle, up to this time always admitted, to wit: that a debt being exclusively the debt of a colony and affecting its territory, goes with the colony itself, be also recognized in this treaty. The

American memorandum says nothing in contradiction of this principle, nor do the Spanish Commissioners expect that anything be now said against it, least of all by the United States, whose territory was acquired by them not only with their blood but also with the money of their treasury. There are publicists who maintain that the thirteen original States paid over to their mother country fifteen million pounds sterling (£15,000,000); and the facts are official that the United States paid to France, Spain, the Indian nations and Russia respectively considerable sums of money for Louisiana, Florida, the Indian States, Texas, California and Alaska. This instance would be the first one in the history of the United States, in which they, acting at variance with their own traditions, should have gratuitously acquired a territory which sooner or later will be annexed to the Union.

The case of the acquisition of Texas, identical as to its origin, its process and its end with that of the Island of Cuba, eloquently shows that the policy then pursued with Mexico by the United States is different from the one now pursued with Spain. In the case of Mexico the American armies, also in support of insurgents, the Texan insurgents, spread themselves over the territory of the whole Mexican Republic, and went as far (a fact which has not taken place in Cuba) as to capture the national capital. The United States demanded then from Mexico the independence of Texas as they now demand from Spain the independence of Cuba, and furthermore they caused Mexico to cede to them New Mexico and California, as now they cause Spain to cede to them Porto Rico and the other Spanish islands in the West Indies. But in the case of Mexico they did not ask from her Government any war indemnity, and consented not only to pay her the value of the territories ceded and annexed to the American Empire, but also to assume the payment of the American claims then standing against Mexico.

In the case of Spain, however, they have demanded from her, in the way of war indemnity, the cession of the islands above mentioned, and ask now, additionally, that the burdens which encumber those islands as well as their sister Cuba be thrown on the mother country, who with her own hands introduced them into the life of the civilized world.

The only wish of the Spanish Commissioners is that the principle above referred to be admitted and recognized. Its practical application may, according to their understanding of the subject, be afterwards entrusted to a Commission of righteous and impartial persons. If this Commission upon examination of the bill of items to be filed by Spain, showing what obligations ought in her opinion to be paid by either Cuba, or Porto Rico, should decide that those obligations must fall on the mother country, Spain shall submit to its decision. But if the Commission decides that the whole or a part of the said debts ought to be paid by the colony, there is no reason why the United States in their turn should not also submit to the award. If the United States feel so sure, as they seem, in their position, they cannot see any danger in assenting to the proposition herein made by the Spanish Commission. But if they are not so sure, their high sense of justice and the duty of respect which they owe to themselves impose upon them the obligation of causing a matter of mere pecuniary interest to be made subordinate to the sacred cause of justice.

And in order to show to the American Commission that the Spanish Commissioners have no other wish than the one stated, and that their purpose is not by any means to have a fixed sum adjudged at this time, as a colonial debt to be paid by the Spanish Antilles, they have decided

to withdraw Articles II, IV and V, as drawn up by them in their former draft, and offer as a substitute for the three, a single article reading as follows:

"ARTICLE II.

"The relinquishment and transfer made by her Catholic Majesty and accepted by the United States of America embrace:

"1. All the prerogatives, powers and rights belonging to her Catholic Majesty as a part of her sovereignty over the Island of Cuba and its inhabitants.

"2. All the charges and pecuniary obligations, outstanding at the date of the ratification of this treaty, which upon careful examination of their origin, their purposes and the conditions of their creation, should be adjudged according to strict law and undeniable equity to be different from the charges and obligations which properly and specifically belong to the Peninsular treasury, owing to their having been at all times properly and specifically belonging to Cuba.

"To secure the careful examination provided for in the foregoing paragraph, a Commission consisting of competent and impartial persons shall be appointed by the two High Contracting Parties. The manner of this appointment shall be determined in this treaty by a separate article."

The American Commissioners do not feel disposed to concur with the Spanish Commissioners in the exception made by the latter in the second paragraph of Article III of their draft, regarding what is called patrimonial property of the state. The state, under the Spanish laws, exercises all rights of ownership over the property declared by law to be public property, and it is plain that in this case the cession of the sovereignty carries with it the cession of all those rights. But the state in Spain can also, in the capacity of a body politic, or corporation, acquire and hold real property, by the same means and through the same processes as private persons can do under civil municipal law. This peculiar kind of property was the one referred to in the exception suggested by the Spanish Commissioners. Notwithstanding this fact, and in order to show once more that they feel disposed to compromise differences, and to promote peace, the Spanish Commissioners do hereby waive the said exception, and accept that the patrimonial property of the state be also included in the cession and transfer of the sovereignty of Spain over the Antilles.

As to the other exceptions which were then suggested, the Spanish Commission cannot believe that the American Commission will ever refuse to accept them. The American Commission in its draft refers only to *individual* property. But the Honorable Commissioners of the United States are not ignorant of the fact, and the mere suggestion of it would involve an offense to their great learning, that in addition to individual persons there are other persons, capable in all civil societies, of lawfully acquiring and holding property both real and personal. Commercial and industrial firms, ordinary co-partnerships, public establishments, whether charitable institutions, schools, or others, can in Spain and her colonies acquire and hold property and enjoy the same protection as is given under the laws to the property of individual persons. All the exceptions suggested in the second paragraph of Article III of the Spanish draft, refer to the property belonging to the said corporate entities, which cannot be considered as individual persons.

Certain phrases to be found in the fourth paragraph of the same arti-

cle, relating to the delivery of public archives, and stating that the United States shall exercise over them the same rights and be subject to the same obligations as Spain, have attracted the attention of the American Commission. The explanation of the reason why these phrases were used is easy to be made. Properly speaking, the state is not the absolute owner of the public archives, but rather the keeper or depository of the same. It is for this reason that it cannot destroy the documents which belong to them, or dispose of them by sale or otherwise, and also, that no citizen can be deprived of the right to make use of those documents in defense of his rights. Can it be in the power of the state to destroy the Registries of the *État-civil* and with them all the evidence as to the civil condition or *status* of all its citizens? Can it be in its power to destroy the property registries, wherein the title deeds and the proofs of the ownership of all property are kept and preserved? Certainly not. But this is precisely what is meant by the phrases above mentioned. The United States shall have the same rights as far as their archives are concerned as Spain used to have;—and those rights, the only ones vested in Spain, are also the only ones which she can transfer to the United States.

Nevertheless, and in order to remove from the minds of the American Commissioners any possible doubt as to the real intention of the Spanish Commissioners, in framing as they did the aforesaid Article III, they have decided to consent to modify that article and word it in a different way, omitting to except from the operation of the cession the patrimonial property of the state, and explaining the points which the American Commissioners deemed to be doubtful. Here is the text of the article as amended:

"ARTICLE III.

"In pursuance of the agreement contained in the two preceding articles, Her Catholic Majesty, acting in the same representative capacity in which this treaty is entered into, relinquishes and transfers to the United States all the buildings, wharves, barracks, fortresses, establishments, public highways, and all other real property, which appertain under the law to the public domain, and which as such belong to the Crown of Spain in the Island of Cuba.

"The rights and the property of all kinds whatsoever which up to the date of the ratification of this treaty have been either peacefully exercised, or possessed or held by the provinces, municipalities, public or private institutions, civil or ecclesiastical corporations, or any other collective entities having legal capacity to acquire and hold property in the Island of Cuba, and by private individuals of whatsoever nationality, shall not be included in the relinquishment and transfer above made.

"Her Catholic Majesty also relinquishes and transfers to the United States all the documents and title papers exclusively relating to the sovereignty transferred and accepted and to all rights thereof, which may be found in the archives of the Peninsula. Copies shall also be given to the United States whenever they may ask for them, of the passages concerning the said sovereignty and rights, which may occur in other documents not relating to the Island of Cuba, but to other subjects foreign to it, which may exist in the said archives. And the same shall be observed reciprocally in favor of Spain regarding documents and papers, having nothing to do, either in whole or in part, with the Island of Cuba, now to be found in the Cuban archives, which may be of interest to the Spanish Government.

"All the official archives and registries, whether belonging to the judicial or to the executive departments of the Government, now at the disposal of the Spanish Government and its authorities in the Island of Cuba, and relating to the said island or its inhabitants, and to their rights and property, shall be left without restriction of any kind at the disposal of the United States, in order that the latter may keep them with the same powers which were heretofore vested in the Spanish Government and authorities.

"Private individuals, whether Spaniards or Cubans, shall have the right to ask for and obtain, in the manner provided by law, authenticated copies of all contracts, last wills and testaments, and other documents to be found in the notarial archives, which are deemed to form part of the judicial or executive archives either in Spain or in Cuba."

Article VI of the Spanish draft did not set forth the reason of the cession made by Spain in favor of the United States of the Island of Porto Rico, the other Spanish Antilles, and of the Island of Guam in the Marianas. That reason nevertheless was explained in the despatch of the Secretary of State of the United States in his answer to the message transmitted to him by the Spanish Government. Said despatch states that the President of the Republic did not demand the payment of any war indemnity, owing to his desire to give testimony of signal generosity, and then it says:

"Nevertheless he cannot be insensible to the losses and expenses of the United States incident to the war or to the claims of our citizens for injuries to their persons and property during the late insurrection in Cuba. He must, therefore, require the cession to the United States and the immediate evacuation by Spain of the Island of Porto Rico and other islands now under the sovereignty of Spain in the West Indies, and also the cession of an island in the Ladrones, to be selected by the United States."

The island designated by them was the Island of Guam.

The Spanish Commissioners have now decided to change the text of the article as formerly framed by them and offer as a substitute another article which will leave on record the reason of the cession. It is quite certain that the American Commission will agree with the Spanish Commission in the advisability of preventing the United States from being shown in the treaty as acquiring gratuitously the said islands. Here is the new text of the article:

"ARTICLE IV.

"In compensation for the loss and expenses incurred by the United States on account of the war and for the claims of their citizens for damages done to their persons or property during the last insurrection in Cuba, Her Catholic Majesty, in the name and in representation of Spain, and constitutionally authorized to do so by the Cortes of the Kingdom, cedes to the United States of America, and the latter accept for themselves the Island of Porto Rico and all other islands in the West Indies which are now under the sovereignty of Spain, and also the Island of Guam in the Marianas or Ladrones Archipelago, which was chosen by the United States by virtue of Article II of the Protocol signed at Washington on August 12 ultimo."

In regard to Article VII in the draft of the Spanish Commission, the latter understands that it is its duty, for the reasons stated in this memorandum, to leave it as it is, with no other change than that which

is required indispensably to put it in harmony with the new articles now introduced. In consequence thereof, it will read as follows:

ARTICLE V.

"This cession of sovereignty over the territory and inhabitants of Porto Rico and the other islands mentioned is understood to consist in the transfer of the rights and obligations, property and documents relating to the sovereignty over said islands, in the same way as was provided in the preceding articles in reference to the relinquishment and transfer of the sovereignty over the Island of Cuba."

It results, in recapitulation, that the only question up to now in existence between the two Commissions and awaiting their decision is a question of money, which as far as one of the High Contracting Parties is concerned is relatively of secondary importance. That question is the one which relates to the colonial debt.

The Spanish Commissioners understand that a question of such a nature as this cannot fail to be solved satisfactorily between two parties, one of which is the greatest nation of the new world, immensely rich and prosperous, blessed with inexhaustible resources, whether due to nature or to the prodigious activity of its inhabitants, which on the other hand acquires by this treaty territories of great importance, and thereby fulfils an aspiration of its policy in America, while the other party is a great and noble nation of the old world, a cordial friend of her late antagonist in days for her more prosperous, but now impoverished through the misfortunes heaped upon her during the century which is about to terminate; whose treasury is overburdened by obligations, and for whom the present treaty will mean the solemn confirmation of the loss of the last remnants of her American empire, although through her discovery of the new world she was instrumental in the very existence of the Great American Republic, and to the enrichment of the modern nations, perhaps at the expense of her own welfare and to the detriment of the full development of the great elements of wealth accumulated in her own bosom but neglected through her desire preferentially to attend to her colonies, creatures who like all others in the order of nature enlist the utmost solicitude on the part of their mother, who feeds and supports them at the sacrifice of her own welfare.

True copy:

EMILIO DE OJEDA

PROTOCOL No. 10.

Conference of October 27, 1898.

Present—On the part of the United States: Messrs. Day, Davis Frye, Gray, Reid, Moore, Fergusson.

On the part of Spain: Messrs. Montero-Ríos, Abarzuza, Garnica, Villa-Urrutia, Cerero, Ojeda.

The protocol of the preceding session was read and approved.

PROTOCOLO No. 10.

Conferencia del 27 de Octubre de 1898.

Presentes Por parte de los Estados Unidos de América. los Señores Day, Davis, Frye, Gray, Reid. Moore, Fergusson.

Por parte de España los Señores Montero Ríos Abarzuza Garnica Villa Urrutia Cerero Ojeda.

Fué leída y aprobada el acta de la sesión anterior.

The American Commissioners presented their written reply, copy of which is hereto annexed, to the memorandum filed by the Spanish Commissioners at the last session in support of the articles which they presented on the 21st instant, and which were afterwards rejected by the American Commissioners.

The American Commissioners, referring to the acceptance by the Spanish Commissioners, in the terms expressed in the protocol of the last session, of the articles presented by the American Commissioners, said that they were uncertain whether the acceptance was intended to apply to the articles first or to those last presented by them, and suggested that, if it was immaterial to the Spanish Commissioners, the American Commissioners preferred that the acceptance should be taken to refer to the articles first presented by them, as those articles contained provisions as to public archives and records.

The President of the Spanish Commission replied that, as his acceptance of the articles was conditional upon the approval of the treaty of peace, he had no objection to accepting these or any other articles, and especially as the first article of the American project was the same, saving differences in diplomatic form, as the first paragraph of the first Spanish article; but that he did not mean that he renounced the second paragraph of that article, and that with respect to this part and to the other articles presented by Spain, he reserved, as provided in the protocol of the 5th session, all the rights therein contained if there was no ultimate agreement upon the whole.

The President of the American Commission replied that the American Commissioners were content to take the acceptance of the Spanish Commissioners, as expressed in their paper and entered

Los Comisarios americanos hacen entrega de su contestación escrita que es anexa al acta presente, al Memorandum presentado por los españoles en apoyo de los artículos presentados por ellos en la sesión del 21 del coriente, que fueron rechazados por los Comisarios americanos.

Los Comisarios Americanos refiriéndose á la aceptación por los Comisarios Españoles, en los términos expresados en el acta de la última sesión, de los artículos presentados por los Comisarios Americanos, manifestaron hallarse inciertos sobre si dicha aceptación se refería á los artículos primeramente presentados pos ellos ó á los últimos, y sugirieron que si à los Comisarios españoles les era indiferente, los Comisarios Americanos preferirían que la aceptación recayese sobre los artículos primeramente presentados por ellos, por contener estos disposiciones relativas á los Archivos públicos y expedientes.

El Presidente de la Comisión española contesta que siendo su aceptación de dichos artículos condicional de la aprobación del tratado de paz, no tiene inconveniente en aceptar estos ú otros artículos, tanto más cuanto que el artículo 1° del proyecto americano, es igual salvo las diferencias de cancillería, al primer párrafo del artículo español; pero que esto no significa que renuncie á la segunda parte de dicho artículo 1° presentado por España, y que en cuanto á esta parte del artículo y á los demás presentados por España, se reserva todos los derechos que contienen, como se convino en el acta de la 5ª sesión, si no hubiese acuerdo ulterior sobrela totalidad.

El Presidente de la Comisión Americana contestó que las Comisarios Americanos se avenían á que la aceptación de los Comisarios Españoles, tal cual la expresaba el exrito consignado en el acta de la

in the protocol of the last conference, as applying to the articles last submitted, which were expressed in the words of the Protocol of August 12, 1898.

The President of the Spanish Commission repeated that the form or wording of those or of the other articles was a matter of indifference to him; and he asked whether the American Commissioners would object to inserting in the article in which the cession of Porto Rico and the other islands in the West Indies and the island of Guam was made, or in any of the other articles of the treaty, a statement that the cession was made as indemnity for the expenses of the war and the injuries suffered during it by American citizens.

The President of the American Commission replied that the articles should stand as when they were accepted, and be considered as disposed of for the present, adding further that the American Commissioners did not mean to be understood that it should not appear in some proper form in the treaty that the cession of Porto Rico and the other islands above referred to was on account of indemnity for the losses and injuries of American citizens and the cost of the war. This view had been expressed in the note addressed to the Spanish Government containing the demand of the President of the United States, and the American Commissioners recognized the force and meaning of that demand.

The President of the Spanish Commission said that it was not his intention now to discuss this point, but to state his desire that the question and the answer to it should be entered in the protocol.

The President of the Spanish Commission then inquired whether the American Commissioners were ready to answer the written proposal presented by the Spanish

última conferencia, se refiriese á los artículos últimamente presentados, expresados en las palabras del Protocolo de 12 de Agosto de 1898.

El Presidente de la Comisión Española repite que le es indiferente la forma y redacción de unos ú otros artículos, y pregunta á la Comisión Americana si esta tendría inconveniente en que en el artículo en que se trata de la cesión de Puerto Rico, otras islas de las Antillas y la de Guam, ó en otro cualquiera de los artículos del tratado, se exprese que esta cesión es en concepto de indemnización por los gastos de la guerra y los perjuicios sufridos durante ella por los Ciudadanos Americanos.

El Presidente de la Comisión Americana contestó que los artículos debían permanecer como estaban cuando fueron aceptados, debiendo por ahora considerarse como terminados, y añadió que los Comisarios americanos no querían significar que se entendiese que no habría de figurar en forma adecuada en el Tratado, que la cesión de Puerto Rico y las demás islas anteriormente mencionadas, era á cuenta de indemnización por pérdidas y agravios de los Ciudadanos Americanos y gastos de la guerra. Este punto de visto había sido expresado en la nota dirigida al Gobierno Español en que se consignaban las demandas del Presidente de los Estados Unidos y los Comisarios de los Estados Unidos reconocían la fuerza y el significado de esta demanda.

El Presidente de la Comisión Española dice que no era su intención el debatir ahora este punto, sino el de hacer constar su deseo de que figuren en el protocolo su pregunta y la contestación dada.

El Presidente de la Comisión Española pide entonces á la Comisión Americana que conteste á la proposición escrita hecha en la sesión anterior por los Comisarios

Commissioners at the last session, in which they accepted conditionally the two articles of the American draft.

The President of the American Commission said that he understood that in the said proposal the American Commissioners were invited to present their propositions in regard to the Philippine Islands, and said that as this matter was of capital importance, and as the American Commissioners were not yet ready to submit a proposal in regard to it, he would propose an adjournment in order that they might have an opportunity to do so, and would suggest that in the mean time the Secretaries should endeavor to agree on the terms of the article relating to public property, archives and records in Cuba, Porto Rico and other islands in the West Indies, and Guam, for submission to the Joint Commission.

This suggestion was adopted, as well as the proposal for an adjournment; and it was agreed, on motion of the American Commissioners, that the Joint Commission should meet again on Monday the 31st of October, at two o'clock, p. m., when the American Commissioners should present a proposal on the subject of the Philippines; and that if by that time the American Commissioners were not prepared to do so the meeting should be postponed to a later day.

WILLIAM R. DAY
CUSHMAN K. DAVIS
WM. P FRYE
GEO. GRAY
WHITELAW REID.
JOHN B. MOORE.

Españoles, al aceptar condicionalmente los dos artículos del proyecto Americano.

El Presidente de la Comisión Americana manifiesta que entiende que en dicha proposición se les invita á presentar sus proposiciones relativas á Filipinas, y dice que siendo este punto de importancia tan capital, y no hallándose la Comisión Americana en disposición de formular aquellas todavía, propone un aplazamiento para hacerlo y sugiere que entre tanto los Secretarios Generales de ambas Comisiones se pongan de acuerdo para redactar un artículo relativo á la propiedad pública, á los Archivos, expedientes y documentos notariales en Cuba, Puerto Rico, otras islas de las Antillas y Guam, que será sometido á la Comisión en pleno.

Se aprueba esta suggestión así como el aplazamiento pedido por la Comisión Americana, y se conviene que los Comisarios se reunirán el lunes 31 de Octubre á las 2 P. M. en que la Comisión Americana presentará sus proposiciones sobre Filipinas, sin perjuicio de que si para entonces no hubiese aún podido elaborar sus proposiciones, la Comisión Americana, se acuerde un nuevo aplazamiento.

E MONTERO RÍOS
B. DE ABARZUZA
J. DE GARNICA.
W R DE VILLA URRUTIA
RAFAEL CERERO
EMILIO DE OJEDA

ANNEX TO PROTOCOL NO. 10.

To the memorandum submitted by the Spanish Commissioners in support of the articles presented by them on the 21st instant, and rejected by the American Commissioners on the 24th instant, the latter submit under the rules the following reply:

The memorandum opens with an expression of the deep regret with which the Spanish Commissioners have acquainted themselves with the

paper in which the American Commissioners, at the session of the 17th instant, proposed to substitute for the articles previously presented by them, in relation to Cuba, Porto Rico and other islands in the West Indies, and the Island of Guam in the Ladrones, the precise stipulations of the first and second articles of the Protocol of August 12, 1898, neither adding thereto nor subtracting therefrom.

The American Commissioners on their part feel equal regret that in the memorandum now under consideration the Spanish Commissioners should have seen fit to reject that proposal on grounds which disclose a misconstruction both of the proposal itself and of the stipulations of the Protocol on which it was based.

The American Commissioners in their proposal of the 17th instant stated that they were "prepared, for the purpose of disposing of the question of Cuba, Porto Rico and Guam, simply to embody in the treaty the precise stipulations of the Protocol on those subjects." The American Commissioners are still prepared to take this step, believing that the stipulations in question would suffice for the accomplishment of the purposes to which they relate. But they have never asserted that the treaty of peace should be limited, in respect of Cuba, Porto Rico, and Guam, to the repetition of the precise terms of the Protocol on those subjects. Their position is, however, that any clauses that may be added must be devoted to the execution of the stipulations of the Protocol, and must not impair them or affix conditions to what was unconditional.

Having adverted to the misconstruction of their proposal, the American Commissioners will point out the misconstruction by the Spanish Commissioners of the Protocol. The Spanish Commissioners observe that as the stipulations of the Protocol form part of a binding agreement, which they properly declare the Protocol to be, it is useless merely to reproduce them in the treaty that is to be elaborated in the conference. The Spanish Commissioners, however, seem to forget that the Protocol was an executory agreement, and that it cannot be assumed to be useless to ask either party now to do what in that agreement it promised to do. "Spain will", so reads Article I of the Protocol, "relinquish all claim of sovereignty over and title to Cuba". This is a promise. The American Commissioners, having come hither to claim the fulfilment of that promise, ask the Spanish Commissioners, clothed with full powers to conclude a treaty of peace, to say in that treaty: "Spain hereby relinquishes all claim of sovereignty over and title to Cuba."

Upon what theory can this be deemed a "useless" or "redundant" stipulation? Is it not, on the contrary, manifest that the treaty of peace, no matter what else it may include, must contain a stipulation to this effect?

Indeed, in offering the precise stipulations of the Protocol, the American Commissioners sought to put aside the controversy raised by the Spanish proposals as to the relinquishment of sovereignty and the assumption of the Cuban debt, and to afford the Spanish Commissioners an opportunity to meet them on the common ground of what the two Governments had unmistakably agreed to. It was and is now apparent that on the composite subject, as the Spanish Commissioners consider it to be, of the relinquishment of sovereignty over Cuba and the assumption of the Cuban debt, the views expressed on the one side and on the other are irreconcilable, and that, unless some common ground is found, the conference is at an end. In this crisis the American Commissioners conceived that both sides might, without any compromise of principle or of opinion, agree that, instead of amplifying the words of the Proto-

col, or substituting for them argumentative stipulations, they would execute the promise in the words in which it was made. They regret that the Spanish Commissioners rejected this conciliatory proposition.

The Spanish Commissioners, in the memorandum now under consideration, recur to the distinction which they have sought to make between the words "abandon" and "relinquish". On this verbal question, which was raised by the Spanish Commissioners in their memorandum of the 11th of October, the American Commissioners find no occasion to add anything to what they have already said; but they feel called upon to repel the imputation that they have sought either to leave Cuba in a derelict condition or to evade any responsibility to which their Government is by its declarations or its course of conduct committed.

In their proposal of the 17th instant, the American Commissioners made the following declaration:

"The United States recognizes in the fullest measure that in requiring the relinquishment of all claim of Spanish sovereignty and the evacuation of the Island of Cuba it has assumed all the obligations imposed by the canons of international law and flowing from its occupation. The United States, so far as it has obtained possession, has enforced obedience to law and the preservation of order by all persons. It is not disposed to leave the island a prey to anarchy or misrule."

By this declaration it is manifest that the American Commissioners have not contemplated the reduction of Cuba to the condition of a derelict and abandoned territory. They concede, however, the justice of the Spanish contention that the obligations which the United States has assumed with respect to Cuba should be acknowledged in the treaty, and they stand ready to make such acknowledgment. They are ready to insert proper stipulations as to the protection of life and property in Cuba during its occupation by the United States, and as to the aid and guidance which it may be necessary for the United States, in the present distracted condition of the island, to give.

The Spanish memorandum refers to the capitulation of Santiago de Cuba, as well as to the evacuation of Cuba under Article IV of the Protocol of August 12, 1898, as proof that the island is to be delivered to the United States. So far as this argument goes it is perfectly sound. By the evacuation of Cuba the island is to pass for the time being into the possession of the United States, and the United States will, for the time being, occupy it. The Spanish memorandum, however, inquires whether, in view of these facts, it is possible to deny that Spain, in relinquishing her "sovereignty" over Cuba, has the right to demand that it shall be received by the United States.

This argument begs the question. The American Commissioners have never denied that the Island of Cuba will, upon its evacuation by the Spanish forces, come into the possession of the authorities of the United States; but this possession is by no means to be confounded with the sovereignty of the island, which the United States has long since declared to Spain an intention not to assume. The United States will take possession of the island for the purpose of pacifying it, but not as titular sovereign; and it is not to be charged with proposing to reduce it to the condition of a "desert territory in Africa", merely because it declines to assume the character of such sovereign.

As to the statement of the Spanish memorandum that Spain's relinquishment of sovereignty over Cuba was described by the American Commissioners, in the second paragraph of the first article presented by them on October 3, as a *cession*, they have only to say that they have searched the paragraph and the whole article for the word

in question, and that they are forced to the conclusion that an error in translation has misled the Spanish Commissioners.

The Spanish Commissioners, adverting to the citation by the American Commissioners of the dictionary of Escriche, seek to minimize the importance of that citation by saying that the dictionary serves as a mentor for young lawyers in the early period of their professional life. The American Commissioners, however, can do no less than infer from this statement that the work in question is recognized in Spain as being of the highest authority.

The American Commissioners are at a loss to conjecture what more they can say to render their position clear as to the purpose and meaning of the relinquishment by Spain of all claim of sovereignty over Cuba, as stipulated in Article I of the Protocol. The various forms which the argument of the Spanish Commissioners on this subject assumes are nothing but variations of their misconstruction of the American Commissioners' position. For example: The Spanish memorandum argues that the stipulations in the Protocol in regard to the relinquishment of sovereignty over Cuba and the cession of Porto Rico are, in spite of a total difference in language, to be considered as the same in effect, because the American Commissioners, in the articles presented by them on the 3rd instant, seemed to contemplate that the archives in Cuba, as well as those in Porto Rico, shall be in the possession of someone to whom application for copies may be made. The Spanish memorandum declares that this would be impossible unless someone has the documents in his possession. This is quite true; but the observation would be meaningless if it were not for the fact that the Spanish Commissioners insist upon saying that the American Commissioners, because they decline to accept for their Government the sovereignty of Cuba, have contended that the island must be abandoned by Spain in the sense of being left derelict.

It is perfectly manifest that the contracting parties in deliberately employing different stipulations with respect to Cuba and Porto Rico neither expressed nor intended to express the same idea. This difference is so clearly and fully explained in the memorandum of the American Commissioners of the 14th of October that it seems to be idle to enlarge upon it.

The American Commissioners have never based their position as to Spain's relinquishment of all claim of sovereignty over Cuba upon the English text of the Protocol as distinguished from the French text, as the Spanish memorandum suggests. On the contrary, in their memorandum of the 14th of October, the American Commissioners distinctly declared that the words used with reference to Cuba in the French text were precisely the same in meaning as those used in the English text.

In their memorandum of the 14th of October, the American Commissioners applied to their position as to Spain's relinquishment of all claim of sovereignty over Cuba a simple test. If Spain, they said, had, in reply to the demands of the United States, declared that she relinquished her sovereignty over Cuba, but did not relinquish it to the United States, no one could have imagined that the demand of the United States would not have been satisfied. The Spanish memorandum intimates that everybody would have thought so except the United States, and declares that there is no one either in Europe or in America who believes that the United States would have been content with Spain's withdrawing from the island and would have abstained from all intervention therein, leaving the inhabitants to continue to fight among

themselves. It is obvious, however, that Spain's relinquishment of sovereignty over Cuba and the subsequent intervention of the United States for the purpose of establishing order there are different matters. Whatever the United States might in certain contingencies have done with respect to Cuba, Spain would have satisfied the demands of that Government by withdrawing from the island. The question of subsequent intervention in its affairs would then have lain between the United States and the people of the island themselves. The United States certainly could not have complained if Spain, while relinquishing her sovereignty, had refused to aid in or be a party to this intervention.

In the Spanish memorandum an effort is made to answer that part of the argument submitted by the American Commissioners on the 14th instant in which it is maintained that the so-called Cuban debt is not in any sense a debt of Cuba, but that it is in reality a part of the national debt of Spain. The American Commissioners were able to show that the debt was contracted by Spain for national purposes, which in some cases were alien and in others actually adverse to the interests of Cuba; that in reality the greater part of it was contracted for the purpose of supporting a Spanish army in Cuba; and that, while the interest on it has been collected by a Spanish bank from the revenues of Cuba, the bonds bear upon their face, even where those revenues are pledged for their payment, the guarantee of the Spanish nation. As a national debt of Spain, the American Commissioners have never questioned its validity.

The American Commissioners, therefore, are not required to maintain, in order that they may be consistent, the position that the power of a nation to contract debts or the obligation of a nation to pay its debts depends upon the more or less popular form of its government. They would not question the validity of the national debt of Russia, because, as the Spanish memorandum states, an autocratic system prevails in that country. Much less do the American Commissioners maintain that a nation cannot cede or relinquish sovereignty over a part of its territory without the consent of the inhabitants thereof, or that it impairs the national obligation of its debt by such cession or relinquishment.

Into these questions they do not think it necessary to enter.

As to the rights, expectations, or calculations of creditors, to which the Spanish memorandum adverts, the American Commissioners have only to say that as regards the so-called Cuban debt, as explained in their memorandum of the 14th instant, the creditors, from the beginning, took the chances of the investment. The very pledge of the national credit, while it demonstrates on the one hand the national character of the debt, on the other hand proclaims the notorious risk that attended the debt in its origin, and has attended it ever since.

The Spanish memorandum observes that in the last twenty years the Antilles have been represented in the Spanish Cortes and declares that their representatives have participated in all legislative acts bearing upon colonial obligations without ever protesting against their lawfulness or binding force. The information in the possession of the American Commissioners leads to a different conclusion.

The American Commissioners have in their hands the *Diario de las Sesiones de Cortes*, for Thursday, the 29th of July, 1886, when the Cuban budget for 1886–1887 was introduced and discussed. By this record it appears that on the day named Señor Fernandez de Castro, a Senator from Cuba, referring to the budgets of 1880, 1882, 1883, 1884,

and 1886, declared that he had objected to all of them, and that no Cuban debt ought to be created, since the obligations embraced in it were national and not local. He entered into a brief examination of the items which constituted the debt, and created something of a sensation by pointing out that quinine had been consumed in Cuba, during the war of 1868–1878, at the rate of $5,000 a week.

Another Cuban Senator, Señor Morelos, supported the views of Señor Fernandez de Castro.

Senator Carbonell, representing the University of Havana, in a speech of great power, continued the argument, saying: "Have the people involved in this matter ever been consulted? The country has not been heard, and now for the first time has become acquainted with the fact that it has to pay such debts."

The Cuban and Porto Rican Senators, Señores Portuondo, Ortiz, Labia, Montoro, Fernandez de Castro, Figueras, and Vizcarrondo, went further, and introduced a bill to provide for the payment by Spain of the so-called Cuban debt in proportion to the productive capacity of the various provinces.

The protests of the colonial Senators were not heeded, but their justice was recognized by no less a Spanish statesman than Señor Sagasta, the present Premier of Spain, then in the opposition, who said:

"Our treasury is not now sufficiently provided with funds to aid Cuba in the way and to the extent that we would like to do; but I say, the Peninsula must give all that it can, and we must do without hesitation all that we can."

Was not this a clear acknowledgment of the national character of the debt?

Perhaps not so clear as that made in the decree of autonomy for Cuba and Porto Rico, signed by the Queen Regent of Spain on the 25th of November, 1897, and countersigned by Señor Sagasta, as President of the Council of Ministers. In Article II of the "Transient Articles" of the decree, we find the following declaration:

"Article II. The manner of meeting the expenditures occasioned by the debt which now burdens the Cuban and Spanish treasury, and that which shall have been contracted until the termination of the war, shall form the subject of a law wherein shall be determined the part payable by each of the treasuries and the special means of paying the interest thereon, and of the amortization thereof, and, if necessary, of paying the principal.

"Until the Cortes of the Kingdom shall decide this point, there shall be no change in the conditions on which the aforesaid debts have been contracted, or in the payment of the interest and amortization, or in the guarantee of said debts, or in the manner in which the payments are now made.

"When the apportionment shall have been made by the Cortes it shall be for each one of the treasuries to make payment of the part assigned to it.

"Engagements contracted with creditors under the pledge of the good faith of the Spanish nation shall in all cases be scrupulously respected."

In these declarations we find a clear assertion not only of the power of the Government of Spain to deal with the so-called Cuban debt as a national debt, but also a clear admission that the pledge of the revenues of Cuba was wholly within the control of that government, and could be modified or withdrawn by it at will without affecting the obligation of the debt.

As to what is stated in the Spanish memorandum touching the aid

given to Cuba in the last century or the early part of the present century by the Vice Royalty of Mexico, the American Commissioners might offer certain pertinent historical observations; but they deem it necessary now to say only that Mexico is not making any claim before this Joint Commission, either directly or indirectly. As to the statement that Cuba has produced during a very few years in the present century a surplus which was turned over to the treasury of the Peninsula, the American Commissioners will cite the justly celebrated *Diccionario Geográfico-Estadístico-Histórico de la Isla de Cuba*, by Señor Don Jacobo de la Pezuela, by which (see article on Señor Don Claudio Martinez de Pinillos) it appears that after 1825 not only were all the expenses of the island paid out of its revenues, but surpluses were sent, annually and regularly, to the mother country. These surpluses from 1850 to 1860 amounted to $34,416,836. And it is to be observed that in addition to the regular annual surpluses turned over after 1825, extraordinary subsidies were from time to time granted to the Home Government. It was for services rendered in matters such as these that Señor Pinillos received the title of Count of Villanueva.

As to the recent "advances" to Cuba, referred to in the Spanish memorandum, it is to be regretted that details were not given. But, by the very term "advances", it is evident that the Spanish memorandum does not refer to gifts, but to expenditures for the reimbursement of which Cuba was expected ultimately to provide; and the American Commissioners do not doubt that these expenditures were made for the carrying on of the war, or the payment of war expenses, in Cuba.

When the American Commissioners, in their memorandum of the 14th instant, referred to the Cuban insurrection of 1868 as the product of just grievances, it was not their intention to offend the sensibilities of the Spanish Commissioners, but to state a fact which they supposed to be generally admitted. They might, if they saw fit to do so, cite the authority of many eminent Spanish statesmen in support of their remark. They will content themselves with mentioning only one. On February 11, 1869, Marshal Serrano, President of the Provisional Government at Madrid, in his speech at the opening of the Constituent Cortes, referred to the revolution in Spain and the insurrection in Cuba in the following terms: "The Revolution is not responsible for this rising, which is due to the errors of past Governments; and we hope that it will be speedily put down and that tranquillity, based upon liberal reforms, will then be durable." (Annual Register, 1869, page 255.)

The American Commissioners have read without offense the reference in the Spanish memorandum to the Indian rebellions which it has been necessary for the United States to suppress, for they are unable to see any parallel between the uprisings of those barbarous and often savage tribes, which have disappeared before the march of civilization because they were unable to submit to it, and the insurrections against Spanish rule in Cuba, insurrections in which many of the noblest men of Spanish blood in the island have participated.

Nor are the American Commissioners offended by the reference of the Spanish memorandum to the attempt of the Southern States to secede. The Spanish Commissioners evidently misconceive the nature and the object of that movement. The war of secession was fought and concluded upon a question of constitutional principle, asserted by one party to the conflict and denied by the other. It was a conflict in no respect to be likened to the uprisings against Spanish rule in Cuba.

The American Commissioners are unaware of the ground on which

it is asserted in the Spanish memorandum that the United States has been compelled to admit that the Cuban people are as yet unfit for the enjoyment of full liberty and sovereignty. It is true that an intimation of such unfitness was made in the note of the Spanish Government on the 22nd of July last. The Government of the United States, in its reply of the 30th of July, declared that it did not share the apprehensions of Spain in this regard, but that it recognized that in the present distracted and prostrate condition of the island, brought about by the wars that had waged there, aid and guidance would be necessary.

The reference in the Spanish memorandum to the obligations of Porto Rico is not understood by the American Commissioners, who had been led to believe that there was no Porto Rican debt. On June 30, 1896, Señor Castellano, Colonial Minister of Spain, in submitting to the Cortes the budget of Porto Rico for 1896–97, the last one, as it is understood, ever framed, said:

"The duty to report to the National representation the financial condition of Porto Rico is exceedingly gratifying. It shows the ever growing prosperity of the Lesser Antille, which, through the multiplicity of its production and the activity of its industry, has succeeded in securing markets for its surpluses in the whole world.

"It being *without any public debt* (*sin deuda pública*), all its necessities being covered, its treasury being full to repletion, its public services being fulfilled with regularity, with economy in the expenses, and with a constant development of the revenues of the state, the spectacle afforded by Porto Rico is worthy of attention."

The *Gaceta de Madrid* of July 1, 1896, which published this budget, published also a Law, approved June 29, 1896, providing for the disposition to be made of the surplus of $1,750,909 in the treasury of Porto Rico at the expiration of the fiscal year 1895–96.

No Porto Rican Loan was ever contracted or floated before 1896.

No Porto Rican bonds are quoted in the markets of Europe or America.

It is possible that the Governor General of Porto Rico may have borrowed money from a bank or from private persons in order to meet in advance expenses authorized by the budget, and that he may have given promissory notes for the amount borrowed, but these notes, paid on maturity, do not constitute a Porto Rican debt, in the sense claimed by the Spanish Commission.

Nor is it to be supposed, in view of the flourishing condition of the colonial finances, as explained by the Spanish Minister of the Colonies, that any note of the kind referred to remains unpaid.

The American Commissioners are not acquainted with the works of the publicists who maintain that the thirteen original United States paid to Great Britain 15,000,000 pounds sterling, presumably for the extinguishment of colonial debts. The American Commissioners, however, feel no interest in the matter, since the statement is entirely erroneous. The preliminary and definitive treaties of peace between the United States and Great Britain of 1782 and 1783 were published soon after their conclusion, and have since been republished in many forms. They are the only treaties made between the two countries as to American independence, and they contain no stipulation of the kind referred to.

Nor do the American Commissioners perceive the relevancy of the citation in the Spanish memorandum of the sums paid by the United States to France, Spain, Russia, and various Indian nations for terri-

tory acquired from them. In none of these cases does it appear that the United States assumed any debts. The money paid by the United States was paid for the territory.

As to the case of Texas, the American Commissioners have only to observe that Texas was an independent state which yielded up its independence to the United States and became a part of the American Republic. In view of this extinction of the national sovereignty, the United States discharged the Texan debt. Indeed, the whole reference made in the Spanish memorandum to the case of Texas is quite inaccurate. The United States did not demand of Mexico the independence of Texas. That independence was established by the inhabitants of Texas themselves, and had long been acknowledged, both by the United States and by other powers, before the voluntary annexation of Texas to the United States.

The payments of money made by the United States to Mexico for territory obtained by the former from the latter at the close of the Mexican war are referred to in the Spanish memorandum, but these payments established no principle. They were made by the United States as a part of the general settlement with Mexico, and it will hardly be argued that if the treaty of peace had contained no stipulation in the subject, anything would have been due from the United States.

The Spanish memorandum, however, refers to these transactions as if they constituted precedents for the proposal put forward by the Spanish Commissioners for the arbitration by the United States and Spain of the question whether the whole or any part of the alleged Cuban and Porto Rican debts should be assumed or guaranteed by the United States. The American Commissioners are compelled to take a different view of the subject. They have no doubt that if during the negotiations with Mexico a proposal had been put forward by either party for the arbitration of the question whether Mexico should cede the territories demanded by the United States, or whether if they were ceded the United States should pay for them, and if so how much, such proposal would have been rejected by the other party as entirely inapplicable to the transaction.

So it is in the present case. The Commissioners of the United States and of Spain have met for the purpose of concluding a treaty which is to terminate a war. The matters involved in this transaction are matters for mutual adjustment and definitive settlement. They are matters to be determined by the parties themselves, and not by any third party. Arbitration comes before war, to avert its evils; not after war to escape its results.

As was shown by the American Commissioners in their memorandum of the 14th of October, the burdens imposed by Spain upon Cuba in the form of the so-called Cuban debt have been the fruitful source of Cuban insurrections. In the opinion of the American Commissioners the time has come for the lifting of this burden, and not for the submission to a third party of the question whether it shall be lifted at all.

Having answered so much of the Spanish memorandum as relates to the vital articles of the Spanish proposals and expounds the Spanish views regarding them, the American Commissioners do not think it necessary to discuss the remaining articles, which may be, for the purpose of this discussion, regarded as merely subsidiary, and as to which they make all necessary reservations.

Near the close of their memorandum, the Spanish Commissioners say:

"It appears by this recapitulation that the only question now pending between the two Commissions and awaiting their decision is a

question of money, which, so far as one of the High Contracting Parties is concerned, is relatively of secondary importance. That question is the one which relates to the colonial debt."

In this conclusion the American Commissioners concur.

The American Commissioners have maintained that the proposal by the Spanish Commissioners that the United States shall assume the so-called Cuban debt is in reality a proposal to affix a condition to the unconditional promise made by Spain in the Protocol of August 12, 1898, to "relinquish all claim of sovereignty over and title to Cuba"; and they have further maintained that the abstention of Spain from proposing such a condition at that time precludes her from proposing it now. The American Commissioners have declared, and now repeat, that if such a proposal had been made during the negotiations that resulted in the conclusion of the Protocol it would have terminated them, unless it had been withdrawn.

In confirmation of the position that the Spanish Commission is now precluded from proposing the assumption by the United States of the so-called Cuban debt, the American Commissioners, besides invoking the unconditional stipulation of the Protocol, are able to point to the fact that the Spanish Government, in the correspondence that resulted in the conclusion of that instrument, took the precaution, in replying to the demand of the United States for the relinquishment by Spain of all claim of sovereignty over Cuba, and her immediate evacuation of the island, to refer to the duty which in her opinion rested upon the United States under the circumstances to provide for the protection of life and property in the island until it should have reached the stage of self-government. In his note of August 7, 1898, the Duke of Almodovar, replying to the demand of the United States, said:

"The necessity of withdrawing from the territory of Cuba being imperative, the nation assuming Spain's place must, as long as this territory shall not have fully reached the condition required to take rank among other sovereign powers, provide for rules which will insure order and protect against all risks the Spanish residents, as well as the Cuban natives still loyal to the mother country."

If to this reservation, which the American Commissioners have declared their readiness to recognize in the treaty, the Spanish Government had desired to add another on the subject of the Cuban debt, the opportunity then existed and should have been seized. Indeed, the insertion of a few words in the reservation actually made would have rendered it applicable to the so-called Cuban debt as well as to the protection of life and property.

A labored argument is made in the memorandum submitted by the Spanish Commissioners to prove that the Government of the United States in declining to take upon itself the so-called Cuban debt is acting in violation of all principles of international law and assumes an attitude hitherto unknown in the history of civilized nations. Cases supposed to be apposite are cited, showing the assumption of national debts where one sovereignty is absorbed by another, or a division of national indebtedness where a nation is deprived of an integral part of its domain, either by cession, or the attainment of independence by a colony theretofore charged with raising a part of the national revenue. Elsewhere we have pointed out the differences manifestly existing between the cases cited and the one in hand. The United States may well rest its case upon this point upon the plain terms of the Protocol, which, as the memorandum submitted by the Spanish Commissioners well says, contains the agreement between the parties—"for no other

was formulated between the two parties", and which is executed when Spain relinquishes all claim of sovereignty over and title to Cuba. If the question were still open the United States might well challenge the fullest inquiry into the equity of this demand.

It is urged in the Spanish Commissioners' memorandum that the United States, erroneously believing in the justice of the cause of Cuban independence, made it its own, and took up arms in its behalf. "The United States", so declares the Spanish memorandum, "made a demand on Spain, and afterwards declared war on her, that Cuba might become free and independent." The causes of the demand of the United States for the termination of Spanish sovereignty in Cuba are amply shown in the history of the events which preceded it. For many years the United States patiently endured a condition of affairs in Cuba which gravely affected the interests of the nation. As early as 1875 President Grant called attention to all its dread horrors and the consequent injuries to the interests of the United States and other nations, and also to the fact that the agency of others, either by mediation or by intervention, seemed to be the only alternative which must sooner or later be invoked for the termination of the strife. During that administration, notwithstanding that it was clearly intimated to Spain that the United States could no longer endure the situation—which had become intolerable—, no unfriendly action was taken, and for ten years it suffered all the inconvenience and deprivation, destruction of trade and injury to its citizens incident to the struggle, which was ended by the Peace of Zanjon, only to break out again and to be waged with every feature of horror and desolation and profitless strife which had characterized the former struggle.

President Cleveland, in his Annual Message of 1896, was constrained to say to the Congress of the United States: "When the inability of Spain to deal successfully with the insurrection has become manifest, and it is demonstrated that her sovereignty is extinct in Cuba for all purposes of its rightful existence, and when a hopeless struggle for its re establishment has degenerated into a strife which means nothing more than the useless sacrifice of human life and the utter destruction of the very subject-matter of the conflict, a situation will be presented in which our obligations to the sovereignty of Spain will be superseded by higher obligations, which we can hardly hesitate to recognize and discharge". Throughout President Cleveland's administration this situation was patiently endured, at great loss and expense to the United States, which then and at all times was diligent in maintaining the highest obligations of neutrality, through the vigilance of its navy and its executive and judicial departments.

The present Chief Executive of the United States, in his first Annual Message, in 1897, again called attention to the disastrous effects upon our interests of the warfare still being waged in Cuba. The patient waiting of the people of the United States for the termination of these conditions culminated in the Message of April 2, 1898, of the President to Congress, in which he said: "The long trial has proved that the object for which Spain has waged the war cannot be attained. The fire of insurrection may flame or may smoulder with varying seasons, but it has not been and it is plain that it cannot be extinguished by present methods. The only hope of relief and repose from a condition which can no longer be endured is the enforced pacification of Cuba. In the name of humanity, in the name of civilization, in behalf of endangered American interests which give us the right and the duty to speak and to act, the war in Cuba must stop." Acting upon this Message the Congress of the United States, in the Resolution approved by the Presi-

dent April 20, 1898, which has been so often referred to in the memorandum submitted by the Spanish Commissioners, based its demand that the Government of Spain relinquish its authority and government in the Island of Cuba, and withdraw its forces from Cuba and Cuban waters, upon conditions in Cuba (so near the United States) which were declared to be such that they could no longer be endured.

It is not necessary to recite the record of the events which followed that demand, well known to the members of this Commission, and which are now a part of the history of the world. It is true that the enforced relinquishment of Spanish sovereignty will result in the freedom and independence of the Island of Cuba and not in the aggrandizement of the United States. This résumé of events which led to the United States taking up arms is not made to wound the susceptibilities of the Spanish nation, or its distinguished representatives upon this Commission, but, in view of the truth of history and the statements made in the memorandum submitted by the Spanish Commissioners, less could not be said by the representatives of the United States. Not having taken up arms for its own advancement, having refrained from acquiring sovereignty over Cuba, the United States now seeks to attain a peace consistent with its ends and purposes in waging war. In asking, as a victorious nation, for some measure of reparation, it has not emulated the examples of other nations and demanded reparation in money for the many millions spent and the sufferings, privations and losses endured by its people. Its relations to Cuba have been those of a people suffering without reward or the hope thereof.

The American Commissioners therefore feel that they are fully justified both in law and in morals in refusing to take upon themselves in addition to the burdens already incurred the obligation of discharging the so-called colonial debts of Spain—debts, as heretofore shown, chiefly incurred in opposing the object for the attainment of which the resolution of intervention was adopted by the Congress and sanctioned by the President of the United States. If it could be admitted, as is argued in the memorandum submitted by the Spanish Commissioners, that the United States in this relation stands as the agent of the Cuban people, the duty to resist the assumption of these heavy obligations would be equally imperative. The decrees of the Spanish Government itself show that these debts were incurred in the fruitless endeavors of that Government to suppress the aspirations of the Cuban people for greater liberty and freer government.

True copy:

JOHN B. MOORE.

PROTOCOL No. 11.

Conference of October 31, 1898.

Present On the part of the United States. Messrs Day Davis Frye Gray Reid Moore Fergusson

On the part of Spain Messrs. Montero-Ríos Abarzuza, Garnica, Villa-Urrutia, Cerero, Ojeda.

The protocol of the preceding session was read and approved.

PROTOCOLO No. 11.

Conferencia del 31 Octubre de 1898.

Presentes. Por parte de los Estados Unidos de América. los Señores Day. Davis. Frye. Gray. Reid. Moore. Fergusson.

Por parte de España. los Señores Montero Ríos. Abarzuza. Garnica. Villa-Urrutia. Cerero. Ojeda.

Fué leída y aprobada el acta de la sesión anterior.

The American Commissioners stated that, in accordance with the understanding expressed in the protocol which had just been read, they were prepared to present their proposal on the subject of the Philippines. The proposal was read in English and translated into Spanish, and delivered to the Spanish Commissioners. It was as follows:

"The American Commissioners, having been invited by the Spanish Commissioners at the last conference to present a proposition in regard to the Philippine Islands, beg to submit the following article on that subject:

"'Spain hereby cedes to the United States the archipelago known as the Philippine Islands, and lying within the following line: A line running along the parallel of latitude 21° 30′ North from the 118th to the 127th degree meridian of longitude East of Greenwich, thence along the 127th degree meridian of longitude East of Greenwich to the parallel of 4° 45′ North latitude, thence along the parallel of 4° 45′ North latitude to its intersection with the meridian of longitude 119° 35′ East of Greenwich, thence along the meridian of longitude 119° 35′ East of Greenwich to the parallel of latitude 7° 40′ North, thence along the parallel of latitude of 7° 40′ North to its intersection with the 116th degree meridian of longitude East of Greenwich, thence by a direct line to the intersection of the 10th degree parallel of North latitude with the 118th degree meridian of longitude East of Greenwich, and thence along the 118th degree meridian of longitude East of Greenwich to the parallel of latitude 21° 30′ North.'

"A proper reference to the cession thus proposed may be inserted in the article of the treaty relating to public property, archives and records in territory which Spain cedes or over which she relinquishes her sovereignty.

El Presidente de la Comisión Americana, manifiesta que, conforme al acuerdo que consigna el acta que acaba de leerse, los Comisarios Americanos están dispuestos á presentar su proposición relativa á Filipinas. La proposicion es leída en inglés, después en español, y entregada á los Comisarios Españoles. Su contenido es el siguiente:

"Los Comisarios Americanos, habiendo sido invitados por los Comisarios Españoles en la última conferencia á presentar una proposición respecto de las Islas Filipinas, se permiten someter sobre esta cuestión el artículo siguiente.

"España por este artículo cede á los Estados Unidos el archipiélago conocido por Islas Filipinas, situado dentro de las líneas siguientes: una línea que corre á lo largo del paralelo 21° 30′ de latitud Norte desde el grado 118 hasta el grado 127 del meridiano de longitud Este de Greenwich; y de aquí á lo largo del grado 127 meridiano de longitud Este de Greenwich hasta el paralelo 4° 45′ de latitud Norte; y de aquí á lo largo del paralelo 4° 45′ latitud Norte hasta su intersección con el meridiano de longitud 119° 35′ Este de Greenwich; de aquí á lo largo del meridiano de longitud 119° 35′ Este de Greenwich, al paralelo de latitud 7° 40′ Norte; de aquí á lo largo del paralelo de latitud 7° 40′ Norte, hasta su intersección con el grado 116 del meridiano de longitud Este de Greenwich; de aquí por una línea directa á la intersección del decimo grado paralelo de latitud Norte con el 118 grado meridiano de longitud Este de Greenwich, y de aquí á lo largo del grado 118 meridiano de longitud Este de Greenwich al paralelo de latitud 21° 30′ Norte.

"Una mencion oportuna de la cesión así propuesta, puede ser insertada en el artículo del Tratado relativo á la propiedad pública, Archivos y actas notariales en los territorios que España cede ó á cuya soberanía renuncia.

"The American Commissioners beg further to state that they are prepared to insert in the treaty a stipulation for the assumption by the United States of any existing indebtedness of Spain incurred for public works and improvements of a pacific character in the Philippines."

The Spanish Commissioners asked for an adjournment in order that they might examine the proposal, and either accept it or present a counter-proposal, and suggested that the Commission should meet again on Friday, the 4th of November, at two o'clock, p. m., without prejudice to asking for a postponement, if it should be necessary.

This suggestion was accepted, and the conference was accordingly adjourned.

WILLIAM R. DAY
CUSHMAN K. DAVIS
WM. P FRYE
GEO. GRAY
WHITELAW REID.
JOHN B. MOORE.

"Los Comisarios Americanos se permiten además manifestar que están dispuestos á insertar en el Tratado una estipulación por la que asumirán los Estados Unidos cualquiera deuda de España contraída para obras públicas ó mejoras de carácter pacífico en Filipinas."

Los Comisarios Españoles piden un aplazamiento para estudiar dicha proposición y sugieren que ambas Comisiones se reunan de nuevo el viernes próximo á las 2 P. M., sin perjuicio de pedir un nuevo plazo si fuese necesario.

Aceptada esta indicación, se levantó la sesión.

E. MONTERO RÍOS
B. DE ABARZUZA
J. DE GARNICA
W R DE VILLA URRUTIA
RAFAEL CERERO
EMILIO DE OJEDA

PROTOCOL NO. 12.

Conference of November 4, 1898.

Present—On the part of the United States: Messrs. Day, Davis, Frye, Gray, Reid, Moore, Fergusson.

On the part of Spain: Messrs. Montero Ríos, Abarzuza, Garnica, Villa-Urrutia, Cerero, Ojeda.

The protocol of the preceding session was read and approved.

The President of the Spanish Commission stated that, having carefully examined the proposal of the American Commissioners in relation to the Philippines, he presented a counter-proposal on that subject, which counter-proposal he delivered to the Secretary of the Spanish Commission, who handed it to the Secretary of the American Commission.

PROTOCOLO NO 12.

Conferencia del 4 de Noviembre de 1898.

Presentes Por parte de los Estados Unidos de América. los Señores Day. Davis. Frye. Gray. Reid. Moore Fergusson

Por parte de España los Señores Montero Ríos. Abarzuza. Garnica. Villa-Urrutia. Cerero. Ojeda.

Fué leída y aprobada el acta de la sesión anterior.

El Presidente de la Comisión Española manifiesta que después de haber examinado atentamente la proposición de los Comisarios Americanos, relativa á Filipinas, presenta una contraproposición sobre el mismo asunto, que entrega al Secretario de la Comisión Española, quien á su vez la pone en manos del Secretario de la Comisión Americana.

The American Commissioners desiring to have the counter-proposal translated to them immediately, it was read in English by their Interpreter; and it is annexed to the protocol.

The President of the American Commission then stated that as they understood from the reading of the paper that their proposal was rejected, they had under the rules a right to file a memorandum in writing in support thereof, and that, under the circumstances, and in order that the paper presented by the Spanish Commissioners might be carefully translated and considered, the American Commissioners desired an adjournment till Tuesday, the 8th of November, at two o'clock, p. m.

The Spanish Commissioners agreed to the adjournment, but stated that, as their paper, besides rejecting the American proposal, also put forward a counter-proposal, they understood that they would have the right to submit a memorandum in writing in support of such counter-proposal, if the American Commissioners should reject it.

The Commissioners concurring in opinion upon these matters, the conference was adjourned to the day previously fixed.

WILLIAM R. DAY
CUSHMAN K. DAVIS
WM. P FRYE
GEO. GRAY
WHITELAW REID.
JOHN B. MOORE.

Los Comisarios Americanos deseando que fuese inmediatamente traducida dicha contraproposición, fué leida en inglés por su interprete y añadida en calidad de anexo al presente Protocolo.

El Presidente de la Comisión Americana manifiesta que entiende que de la lectura del anterior documento se desprende ser rechazada la proposición de la Comisión Americana, y que según el reglamento tiene esta el derecho de presentar un Memorandum escrito en apoyo de aquella; que en vista de ello y á fin de que pudiera ser traducido cuidadosamente y examinado el documento presentado, los Comisarios Americanos deseaban aplazar la conferencia hasta el martes 8 de Noviembre á las 2. P. m.

Los Comisarios Españoles asienten al aplazamiento, pero añadem que el documento por ellos presentado además de rechazar la proposición Americana contiene una contra-proposición y que por tanto entienden que asimismo tendrían el derecho de presentar un Memorandum por escrito en apoyo de su contra-proposición si esta fuese rechazada por los comisarios Americanos.

Siendo esto acordado por los Comisarios, se aplaza la conferencia hasta el día y hora anteriormente citados.

E. MONTERO RÍOS
B. DE ABARZUZA
J. DE GARNICA
W R DE VILLA URRUTIA
RAFAEL CERERO
EMILIO DE OJEDA

ANNEX TO PROTOCOL NO. 12.

COMISION PARA LA NEGOCIACION DE LA PAZ CON LOS ESTADOS UNIDOS.

PROPOSICION.

La Comisión Española ha leído con viva sorpresa la proposicion que la Americana ha presentado en la sesión del 31 del último mes de Octubre.

El único artículo que en ella se contiene, está reducido á que España

ceda á los Estados Unidos el archipiélago conocido por Islas Filipinas, situado en el perímetro allí geográficamente determinado.

Contiene además dicha proposición, aunque no para que formen parte del artículo, dos párrafos de los cuales el segundo es de una importancia tal, que exige que la Comisión española haya de ocuparse en este escrito especialmente de su contenido.

Los Comisarios españoles acaban de decir que les ha causado viva sorpresa esta proposición, y es de su deber exponer las razones que tal sentimiento explican.

Desde la primera conferencia hasta la última, los Señores Comisarios Americanos sostuvieron constantemente, y alegaron como principal fundamento de los proyectos sobre Cuba y Puerto Rico, que en estas conferencias, ambas Comisiones tenían que atenerse á las bases establecidas en los preliminares de paz, que habían sido convenidos y firmados el 12 de Agosto último. Lo mismo decían y continúan diciendo los Comisarios Españoles. La única diferencia entre los unos y los otros consistió en que los Americanos sostenían que aquel documento había de ser entendido extrictamente en su sentido literal, sin querer tomar en consideración para fijar este sentido ningún otro dato, antecedente ni documento. Y como en el Protocolo no se había escrito la frase "Deuda de Cuba ó de Puerto Rico", entendían que por esta razón España debía transmitir ó ceder su soberanía sobre aquellas islas, quedándose con sus obligaciones. Los Comisarios Españoles, por la inversa, entendían que el sentido literal del Protocolo debía fijarse teniendo presentes no solo las reglas generales del Derecho internacional sobre interpretación de los tratados, sino también las negociaciones en que ambas partes lo habían preparado y en que de antemano lo habían oficialmente interpretado.

Pues bien, la proposición pretendiendo la cesión por España de las Islas Filipinas á los Estados Unidos, no solamente no cabe dentro de los artículos del Protocolo, sino que está en notoria contradicción con él, y es, en opinión de la Comisión española, su flagrante infracción.

Contiene aquel convenio seis artículos y de ellos solamente el tercero se refiere al Archipiélago Filipino. Dice así literalmente traducido del texto oficial francés:

"Los Estados Unidos ocuparán y tendrán la ciudad, la bahía y el puerto de Manila, esperando la conclusión de un tratado de paz que deberá determinar la inspección (contrôle), la disposición y el gobierno de las Filipinas." Esto es lo único que hay en el Protocolo sobre el archipiélago.

Aunque la Comisión española adoptase para la interpretación de este artículo, el estrecho criterio del sentido literal que la americana sostiene (por extraño que sea este sostenimiento), que debe aplicarse, no se podría decir otra cosa sino que en aquella disposición se acordó la ocupación meramente temporal ó provisional de Manila y su puerto y bahía por los Estados Unidos hasta que se hiciese el tratado de paz en que se había de determinar ó convenir sobre la inspección, la disposición y el gobierno de Filipinas.

¿Qué tiene ésto que ver con un cambio ó cesión de soberanía?

La primera parte del artículo es completamente clara. No ofrece la menor duda de que allí lo único que se convino sobre Manila, su bahía y puerto, fué su ocupación, no definitiva, sino provisional, por los Estados Unidos, ocupación que no había de durar más que hasta la celebración del Tratado de paz. No necesita el sentido literal del texto comprobación alguna. Mas si la necesitara, pueden los Señores Comisarios Americanos registrar el número 19 del Libro amarillo, que acaba

de publicar el Gobierno de la República Francesa. Dicho número contiene la Circular que á los tres días de firmado el Protocolo, dirigió el Señor Ministro de negocios extrangeros de Francia á sus Embajadores en Europa, dándoles cuenta de la misión á que el Gobierno de la República se habia prestado que desempeñara su Embajador en Washington para ofrecer la paz al Gobierno de los Estados Unidos en nombre del de Su Majestad Católica. Y en esta Circular dice el Señor Ministro que su Embajador en aquella capital habia firmado en nombre de España, y á su ruego, un Protocolo que contenía las exigencias de los Estados Unidos para la paz. Enumera el Señor Ministro tales exigencias y respecto á Filipinas consigna, como la única que contenía aquel documento, la *ocupación PROVISIONAL de Manila por las fuerzas americanas.*

Los Señores Comisarios Americanos no desconocerán la incontrastable fuerza moral del testimonio del Señor Ministro de la República Francesa, amiga por igual de los dos Estados beligerantes, y cuyo Señor Ministro no podía saber el contenido del Protocolo, sino por el autorizadísimo conducto de su Embajador, que lo había discutido, convenido y firmado en nombre de España con el Gobierno Americano.

El carácter meramente provisional de tal ocupación subsistió aún después de firmado el Protocolo, cuando, contra lo convenido en su artículo 6º, el General Merritt se apoderó de la plaza por la fuerza. En el último párrafo del número 5 de las reglas convenidas para la capitulacion y que fueron firmadas en 14 de Agosto en nombre del Ejército Americano por el Brigadier General de voluntarios Mr. E. V. Green, por el Capitán de la Marina Americana Mr. Lamberton, por el Teniente Coronel é Inspector General Mr. Whittier y por el Teniente Coronel y Juez Abogado Mr. Crowder, se lee lo siguiente: "La devolución de las armas depositadas por las fuerzas Españolas, tendrá lugar cuando se evacue la plaza por las mismas *ó por el Ejército Americano.*"

Entendian, pues, los que esto firmaban que las fuerzas Americanas no ocupaban definitivamente la plaza porque suponían que podía llegar el caso de que hubieran de evacuarla. Y si suponían esto, claro es que entendían que era meramente provisional la ocupación.

Es verdad: las fraces "inspección, disposición y gobierno de las Filipinas" no tiene un sentido claro. El Gobierno Español y su Representante en Washington ya lo hicieron notar reclamado su explicación al Gobierno Americano (que no la dió), antes de firmarse el Protocolo. Pero cualquiera que sea la que ahora intente dar, no puede llegarse, en ningún caso, á pretender que tales frases encierren el pensamiento de la cesión de la soberanía de España en el archipiélago. Esta cesión allí convenida, ó sea la adquisición á perpetuidad del archipiélago por los Estados Unidos, estaría en contradicción con la ocupación exclusivamente temporal de Manila, también allí acordada, ya que está expresamente consignada en el mismo párrafo.

No podrían nunca tampoco admitirse con arreglo á las máximas de interpretación de los Tratados porque tal supuesta cesión sería un beneficio á favor de quienes se negaron á aclarar sin alegar para ello razón alguna valedera, cuando oportunamente se les pidió, el concepto que ya entonces aparecía ambiguo é indeterminado de tales frases; y porque aún sin tal razon, habría lugar á aplicar á los Señores Comisarios Americanos, con el fundamento que ellos no tuvieron para aplicarla á los españoles (según estos entienden), la razón que consignaron en su último Memorandum, y según la cual, "la abstención de España de proponer en el Protocolo la condición del transpaso de la Deuda, la incapacitaba para proponerla ahora." Los Estados Unidos se abstuvieron de pro-

poner á España en el Protocolo, franca y abiertamente, como franca y abiertamente debe consignarse todo en los Tratados que siempre se otorgan para ser entendidos y cumplidos de buena fé, la cesión de su Soberanía en el archipiélago. No lo hicieron, y por eso están incapacitados de proponerla ahora.

Cuanto precede realmente sobra porque existe la prueba irrefutable para los Señores Comisarios Americanos de que al firmarse el Protocolo de Washington el dignísimo Señor Presidente de la Unión no solo no abrigaba el pensamiento de que España hubiese de ceder el Archipiélago Filipino á los Estados Unidos, sino que abrigaba el pensamiento contrario, ó sea el de que España habrá de conservar allí su Soberanía.

En la conferencia que el Embajador de Francia Señor Cambon tuvo en 4 de agosto último con Mr. Mac-Kinley á presencia de su Secretario de Estado, haciéndole observaciones sobre la cesión de la Isla de Puerto Rico en compensación de los gastos de la guerra, el Señor Presidente le contestó mostrándose inflexible en este punto, y le repitió que la cuestión de Filipinas era la única *que no estaba ya definitivamente resuelta en su pensamiento.* Con tal motivo el Señor Cambon le pidió explicaciones sobre el sentido de las sobredichas frases de la cláusula 3ª relativa al Archipiélago Filipino, porque aparecia redactada en términos que podían prestarse á los temores de España *respecto á su soberanía en aquellas islas.* El Señor Presidente le contestó las siguientes textuales palabras: "No quiero dejar subsistir ningún equívoco sobre este particular. Los negociadores de los dos paises serán los que resuelvan cuales sean las ventajas permanentes" (fíjese la atención en la frase: no "derechos") "que pediremos en el archipiélago, y en fin los que decidan la intervención, (*contrôle*), disposicion y gobierno de Filipinas" y agregó "El Gobierno de Madrid puede tener la seguridad de que, *hasta ahora, no hay nada resuelto, á priori en mi pensamiento contra España*, así como considero que no hay nada decidido contra los Estados Unidos." ¿Cabe en lo posible que nadie dude de que el 12 de Agosto el Señor Presidente de los Estados Unidos al firmar su Secretario de Estado el Protocolo, no tenía el pensamiento de exigir á España la cesión de su Soberanía en el archipiélago para los Estados Unidos?

Pero hay más: no solo no tenía ese propósito, sino que sus frases demuestran que tenía el de que España habia de conservar aquella Soberanía. Según él los Comisionados en Paris habían de acordar las ventajas *permanentes* que los Estados Unidos pedirían en el archipiélago. Pues si España no hubiera de conservar su soberanía, ¿qué ventajas para el porvenir era posible que pidieran los Comisionados de los Estados Unidos á España y que esta habia de poder concederles? Si los Estados Unidos se habían de quedar con la soberanía, ¿cómo se explica que sus Comisionados en Paris hubieran de pedir á España ventajas en un archipiélago que el mismo tiempo habían de reclamar y recibir como suyo?

Mas aún hay otra prueba, tan irrefutable como la anterior de que el Gobierno de Washington no solamente entonces estaba ageno á todo pensamiento y propósito sobre la soberanía del Archipiélago Filipino, sino que consintió que ésta hubiera de continuar en España, excluyendo en su propio pensamiento toda mudanza sobre este punto al redactar primero y al firmar después la cláusula 3ª del Protocolo.

Contestando al Gobierno de España, por su despacho de 7 de Agosto, al Honorable Señor Secretario de Estado en Washington, que le había hecho saber en el suyo del 31 de Julio las condiciones, tales como aparecen redactadas é incluidas en el Protocolo, bajo las cuales el

Gobierno Americano estaba dispuesto á poner término á la guerra, le decía el Ministro español sobre la base 3ª lo que sigue:

"La base referente á las Islas Filipinas parece á nuestra inteligencia demasiado indeterminada. En primer término el título invocado por los Estados Unidos para la ocupacion de la bahía, puerto y ciudad de Manila, esperando la conclusión de un Tratado de paz, no puede ser el de conquista, porque la ciudad de Manila se defiende aún: á pesar del bloqueo por mar y el asedio por tierra, aquel por la flota Americana, y éste por las fuerzas que acaudilla un indígena alentado y pertrechado por el Almirante, la bandera española no ha sido arriada. En segundo lugar el Archipiélago Filipino se halla intacto en poder y bajo la soberanía de España. Entiende pues el Gobierno Español que la ocupación temporal de Manila habrá de constituir una garantía. Dícese que en el Tratado de paz se determinará la intervención, la disposición y el gobierno de Filipinas, y como la intención del Gobierno federal queda por demás velada en esta cláusula *interesa á este Gobierno consignar que aceptando la base tercera no renuncia á priori á la Soberanía total del Archipiélago Filipino, dejando á los negociadores el cuidado de estipular acerca de las reformas aconsejables por la situación de aquellas posesiones y el nivel de cultura de sus naturales. El Gobierno de Su Majestad acepta la base 3ª acompañada por la declaración supradicha.*"

Bien claro aparece que el Gobierno Español no aceptó la única base que en el Protocolo hay sobre Filipinas, sino en cuanto en ella se quisiera decir que Manila no había de ser más que temporalmente ocupada, como garantía, y que la intervención, la disposición y el gobierno de que en la base se hablaba, tendrían por único objeto el régimen y gobierno interior de aquellas islas, pero no su soberanía total que España expresamente se reservaba y había de conservar.

Contra esta interpretación dada de antemano por el Gobierno de Su Majestad Católica á la base tercera del Protocolo, y en cuyo único sentido la aceptaba, nada dijo, nada indicó el Gobierno de Washington antes de firmarlo. Por la inversa el Señor Secretario de Estado al remitir al Señor Embajador de Francia la minuta del Protocolo que había de firmarse le decía en una carta, que la nota del Gobierno Español (que era la en que se hallaban las frases anteriormente transcritas,) contenía en su espíritu la aceptación por España de las condiciones propuestas por los Estados Unidos. Por consiguiente la condición tercera había sido redactada por el Gobierno Americano en el mismo sentido en que la entendía el Gobierno Español, porque no podía decir, en otro caso, el Señor Secretario de Estado, con vista de la Nota en que constaba el único sentido aceptable para el Gobierno Español, que este la aceptaba.

Así pues; los Estados Unidos podrán reclamar hoy tal soberanía, mas para esta reclamación no pueden fundarse en el Protocolo.

Y ¿qué otro título que no sea éste pueden alegar contra la voluntad de España?

En el protocolo se fijaron las bases que los Estados Unidos exigían á España para la paz, ó lo que es lo mismo todas las condiciones que los Estados Unidos imponían á España para que pudiera aquella restablecerse entre los dos países. A la vez se acordó allí, la inmediata suspensión de las hostilidades, suspensión que por parte de España fué religiosamente observada hasta el presente; Por lo tanto los Estados Unidos no pueden ni tienen derecho para exigir hoy á España más condiciones onerosas, que las contenidas en el Protocolo, por causas anteriores á su fecha, una vez que entonces no impusieron más que las que allí están escritas, dándose con su aceptación por satisfechos; ni

por causas posteriores ya que desde entonces España no ejecutó acto alguno de agresión ni dió motivo á nuevas exigencias ni reclamaciones de los Estados Unidos.

Si por motivos que no están en la esfera de la competencia de la Comisión Española, el Gobierno Americano desea ahora adquirir la soberanía del archipiélago filipino, no es ciertamente el medio adecuado para el logro de su propósito una reclamación hecha al amparo de los preliminares de paz convenidos en el Protocolo firmado en Washington en 12 de Agosto por ambas Altas Partes.

Los Comisarios Españoles indicaron al principio de este escrito que el 2º párrafo que después del proyectado artículo contenía la proposición Americana era de tal importancia que les imponía la necesidad de ocuparse especialmente de su contenido.

Dichos Sres Comisarios manifestan en él que están dispuestos á insertar en el tratado una estipulación por la que asumirán los Estados Unidos cualquiera deuda de España contraida para obras públicas ó mejoras de carácter pacífico en Filipinas.

El Archipiélago está efectivamente gravado con una deuda de 200 millones de pesetas, garantizada con la hipoteca de los productos y rendimientos de la Aduana de Manila; y pesan además sobre la Corona obligaciones, cargas de justicia y otras pensiones de menor importancia, del servicio exclusivo de aquella Colonia.

Por lo que hace á la deuda hipotecaria, ya han consignado los Comisarios Españoles con ocasión de la deuda de la misma clase que pesa hipotecariamente sobre la renta de las Aduanas y sobre todos los impuestos, directos ó indirectos de la Isla de Cuba, que no pueden siquiera admitir discusión acerca del valor y eficacia de tales hipotecas.

Constituidas legalmente por un Soberano legítimo y legitimamente adquiridas por los particulares de diversas nacionalidades que se interesaron en equellas operaciones de crédito, España no es dueña de los derechos de estas terceras personas que están al amparo de las leyes que protegen la propiedad privada, para que en un Tratado con los Estados Unidos ni con otra Potencia alguna, pueda consentir en nada que signifique ó implique una lesión de derechos que no son suyos. Se lo vedan los deberes más elementales de la probidad pública y privada.

España no reclama el reconocimiento de esas deudas hipotecarias para su propio beneficio, puesto que su tesoro no se ha obligado á pagar tales deudas sino subsidiariamente, esto es, solamente en el caso en que no fueran suficientes las rentas é impuestos hipotecados. Si hace tal reclamación es solamente en cumplimiento de un deber moral que pesa sobre todo deudor honrado y además en beneficio de los tenedores de su deuda propia, los cuales no podrían menos de ver un peligro para sus intereses en el hecho de que España, sin estar á ello obligada, recargase las obligaciones de su tesoro con otras cuantiosas á que hubiera de atender juntamente que á las suyas propias y corriendo el peligro de que sus recursos no bastasen para atender á todas. La deuda y obligaciones de las Colonias que á ella directamente interesan son las que no gozan del privilegio de una hipoteca, porque respecto á ellas está principalmente obligada al pago, y entiende que no es justo que cuando las ha contraido por y para sus colonias, haya de continuar después de perderlas, gravada con tales cargas, que son, después de todo, una pequeña parte del inmenso capital que en aquellas se invirtió y que ha cubierto con sus propios recursos.

Quede dicho, por lo tanto, y esperan los Comisarios Españoles que no habrán de tener necesidad de repetirlo, que España no puede ni debe,

porque el respeto á lo ageno se lo veda, convenir en este tratado, ni en ninguno, sobre nada que implique la lesión ó la supresion ó siquiera desconocimiento de derechos privados y agenos contra la voluntad de sus legitimos y particulares dueños.

Mas aún por lo que toca á la dueda colonial no privilegiada, su dignidad y el respeto que se debe á si misma, le vedan igualmente admitir las bases que resaltan en el párrafo de la proposición de que se está ocupando y que consiste en el examen de la inversión que España haya podido dar á los productos obtenidos por la creación de dichas duedas. Esto equivaldria á someter al criterio de una potencia extraña los actos de su gobierno interior. Acertados ó no, (acertados entiende que han sido todos,) fueron perfectamente legítimos y están al amparo de su Soberanía.

Y aún en la inadmisible hipótesis de que tal acierto no hubiera habido en ellos, no saben los Comisarios Españoles que haya nadie que pueda hacer depender la legitimidad de una deuda legalmente contraida, de la inversión buena ó mala, que, después de constituida, haya dado el deudor á sus productos.

No han de poner término los Comisarios Españoles á este escrito sin llamar la atención de los honorables Comisarios Americanos sobre un punto que no puede menos de ser resuelto en el tratado, en cumplimiento de lo convenido en la base 6ª del protocolo: dice esta así: "Una vez terminado y firmado este protocolo, deberán suspenderse las hostilidades en los dos paises, y á este efecto se deberán dar órdenes por cada uno de los dos Gobiernos á los Jefes de sus fuerzas de mar y tierra, tan pronto como sea posible."

Ya antes de la firma del Protocolo, el Sr Presidente de la Unión, después de enterar al Sr Embajador de Francia el dia 30 de Julio último, de las condiciones que los Estados Unidos imponian á España para restablecer con ella la paz, le manifestó que consentia en conceder la suspensión de hostilidades en seguida que *el Señor Ministro de Estado Español hiciera saber al Embajador de Francia, su representante en Washington, que aceptaba las negociaciones sobre las bases indicadas por el Gobierno federal; y que autorizaba á dicho Embajador para firmar en su nombre el acta preliminar que ponía término á las hostilidades.*

El Gobierno español manifestó su conformidad con tales bases, y autorizó al Embajador de Francia para aceptarlas y firmarlas en su nombre, por su despacho de 7 de Agosto, que fué immediatamente comunicado al Gobierno de Washington. Apesar de esto, las hostilidades no se suspendieron entonces. Mas al fin se acordó su suspensión pocos dias después, ó sea el dia 12, por el mencionado art 6º del protocolo.

Esto no obstante el día 13, el General Merritt, Jefe de las fuerzas Americanas en Manila, y el Admirante de la flota en aquella bahía, exigieron la rendición de la plaza, y por no prestarse á ella sus autoridades, rompieron el fuego dichas fuerzas contra el polvorín de San Antonio Abad, y contra las trincheras que defendian la ciudad del lado de tierra, causando innecesariamente un número considerable de bajas á las fuerzas españolas, que hubieran entregado pacíficamente la ciudad á los Americanos, en cumplimiento de la base 3ª del Protocolo, para que la conservasen en garantía hasta la celebración del tratado de paz.

El General Merritt entró por la fuerza en Manila, hizo prisionera de guerra su guarnición compuesta de 8 á 9,000 hombres, se apoderó de los fondos públicos y de la recaudación de los impuestos, incluso los de Aduanas, nombró intendente general y Administrador de la hacienda

pública y recolector de dichos impuestos á los oficiales de su ejército que tuvo por conveniente, destituyendo por esto á los funcionarios españoles; relevó al Commandante Español de la guardia civil encargada del orden público; constituyó tribunales militares; abrió el puerto de Manila y todos los demás de Filipinas que se hallaban en posesión de sus fuerzas de mar y tierra, al comercio de su nación y al de los neutrales, previo el pago de los derechos que rigiesen al tiempo de su introducción y que sus funcionarios percibieron. Todo esto consta en el acta preliminar de capitulación del 13 de Agosto, en la capitulación misma del 14, en el bando del General Merritt de igual fecha, en sus ordenes de 22 y 23 del propio mes, y en las demás dictadas por las Autoridades y funcionarios Americanos en Manila.

El Gobierno español reclamó al de Washington, contra todo lo allí ocurrido, por conducto de la Embajada francesa, en 29 de Agosto, 3 y 11 de Septiembre último, insistiendo después hasta el presente, en las mismas reclamaciones, y señaladamente en la inmediata libertad de la guarnición prisionera en Manila y en la devolucion de sus armas, puesto que por una parte no podía enviar refuerzos desde la Península al Archipiélago, cuyo envío tampoco veían con buenos ojos los Estados Unidos, y por la otra, necesitaba aquellas fuerzas para liberal á millares de españoles prisioneros de los insurrectos tagalos, y víctimas de sus malos tratamientos, y para combatir y dominar aquella insurrección de sus propios súbditos. Las reclamaciones del Gobierno Español fueron hasta ahora inútiles. Estos hechos continúan cada día tomando peor aspecto. El 21 de Septiembre el Capitán W. P. Moffot, nombrado por el Prevoste Gobernador Americano, encargado de las prisiones de la plaza de Bilibid, con facultad de disponar la entrada y libertad de toda clase de presos, se la dió á dos llamados Silvestre Lacoy y Marcos Alarcón, que estaban procesados por el delito de robo en cuadrilla, á otros dos que lo estaban por deserción, á 6 que lo estaban por desacato, á otro que lo estaba por asalto y robo y á otros tres que lo estaban por homicidio. Como se ve, todos estos presos Estaban en la cárcel por delitos comunes. Este hecho inaudito fué comunicado al Gobierno de S. M. C. por la Comandancia General del Apostadero de Manila.

Ahora bien, se hace preciso examinar todos estos hechos desde el punto de vista de su legalidad y con relación á lo que en la cláusula 6ª del protocolo se había convenido, y constituía una formal obligación para ambos Gobiernos.

¿Desde cuando debió comenzar á producir sus efectos la suspensión de las hostilidades acordada en dicha cláusula 6ª? La contestación no es dudosa. El texto es claro y explícito: las hostilidades habían de suspenderse desde la *conclusión* y *firma* del protocolo.

Esto ocurrió en la tarde del 12 de Agosto. Por lo tanto, desde dicha tarde los actos de guerra que cualquiera de los beligerantes ejecutara, habían de tenerse como no hechos para el efecto de restablecer el "statu quo ante" el momento de la firma del protocolo.

Es ocioso y hasta sería ofensivo para la alta ilustración de la Comisión Americana exponer aquí la doctrina, no solo admitida desde los tiempos de Grotius sin contradicción en el Derecho y en las prácticas internacionales, y á que prestan su asentimiento y su apoyo todos los ilustres tratadistas Anglo-Americanos que de la materia se han ocupado, sino que además está elevada en los Estados Unidos á la categoría de Derecho establecido, en el arto 140 de sus instrucciones para los Ejércitos en Campaña, que dice así: "El armisticio liga á los beliger-

antes á partir del día convenido entre ellos para su ejecución, pero los oficiales de los dos ejércitos no son responsables de esta ejecución, más que desde el día en que el armisticio les ha sido oficialmente notificado."

El día de la ejecución fijado en el Artículo 6º del Protocolo fué el en que se concluyese y firmase: así textualmente se dice allí: "A la conclusión y firma de este Protocolo las hostilidades entre los dos paises deberán ser suspendidas."

El General Merritt y el Almirante de la escuadra no serán personalmente responsables de la sangre que innecesariamente derramaron el día 13, si entonces no tenían noticia oficial del Protocolo que se había firmado el día anterior en Washington, pero esto no obsta para que, como dice uno de los más ilustres tratadistas del derecho Internacional, el honor militar exije abstenerse escrupulosamente de aprovecharse de toda ventaja que podría sacarse de la ignorancia de las tropas que no hubieran sido todavía informadas del armisticio. En casos como este la Potencia beligerante cuyas fuerzas, por ignorancia, ejecutaron un acto de guerra, no puede aprovecharse de sus ventajas y debe reponer las cosas al "statuo" quo ante" indemnizando al beligerante perjudicado de los daños y perjuicios que por aquel acto de guerra se le hubieran inferido, y restituyendo, como dice el ilustre publicista anglo americano Dudley Field, todas las presas hechas en contravencion del armisticio.

Esto es tan elemental y vulgar en los Estados Unidos, que en sus colegios sirve de texto la obra titulada "Elementos de Derecho internacional y Leyes de Guerra" escrita por el Mayor General Halleck y en cuya edicion de Filadelfia—página 283 se lee lo siguiente:

"La tregua liga á las partes contratantes *desde el momento de su conclusión* á menos que no se estipule especialmente otra cosa, pero no liga á los individuos de una nación hasta el punto de hacerles personalmente responsables de su ruptura mientras no tengan noticia actual y positiva de ella.

"Por consiguiente, si los individuos sin conocimiento de la suspensión de hostilidades, matan un enemigo ó destruyen su propiedad, no cometen por tales actos un crimen ni están obligados á indemnización pecuniaria, pero si se hacen prisioneros ó presas, el *soberano está en la obligación de poner á aquellos inmediatamente en libertad y de restituir las presas.*"

El Gobierno americano no ha puesto, hasta ahora, en libertad á la guarnición prisionera de Manila, ni ha reducido su ocupación bélica de la plaza á los limites de un simple derecho de guarnición en ella, que es, según el artículo 3º del Protocolo, lo único á que tenia derecho como garantía hasta el Tratado de Paz.

Los Comisionados españoles, por lo tanto, en cumplimiento de lo expresamente convenido en el Protocolo, entienden que en el Tratado de Paz debe consignarse:

1º. La entrega inmediata de la plaza al Gobierno Español.

2º. La libertad inmediata de la guarnicion de la misma.

3º. La devolución al Gobierno Español de todos los fondos y propiedades públicas de que se apoderó el Ejército Americano después de entrar en la plaza y de los impuestos de todas clases que ha venido percibiendo y que perciba hasta su devolución; y,

4º. El compromiso por parte de los Estados Unidos de indemnizar á España de los gravísimos perjuicios que le ha ocasionado con la retención de aquellas tropas prisioneras, porque á esto fue debido que impunemente se propagase la insurrección tagala en la Isla de Luzón y su invasión en las Islas Visayas, y porque también á esto mismo ha sido debida la continuación de los malos tratamientos de los millares de

prisioneros españoles civiles y militares, á que impunemente continúan sometiéndoles las fuerzas insurrectas tagalas.

En virtud de cuanto precede la Comisión Española tiene el honor de hacer á la Comisión Americana la siguiente proposición:

PRIMERO. Que no puede acepter la proposición que ha presentado pidiendo la cesión de la soberanía del Archipiélago Filipino á los Estados Unidos por entender que es contraria á los preliminares de paz convenidos en el Protocolo de Washington; y

SEGUNDO. Que en su consecuencia la invita á que, de acuerdo con lo convenido en los mencionados artículos 3º y 6º del Protocolo, se sirva presentar una proposición sobre la intervención, disposición y gobierno del Archipiélago Filipino, y sobre el compromiso que, según lo que se acaba de decir, deben contraer los Estados Unidos por efecto del hecho de guerra ejecutado por sus tropas después de firmado el Protocolo, apoderándose á viva fuerza de la ciudad de Manila y ejecutando los actos que están fuera de los únicos derechos que los Estados Unidos podían ejercer en aquella ciudad y su bahía y puerto, con arreglo á lo convenido en la mencionada base 3ª del Protocolo.

Está conforme

EMILIO DE OJEDA

[Translation.]

ANNEX TO PROTOCOL NO. 12.

PROPOSITION.

The Spanish Commission has read with great surprise the proposition presented by the American Commission at the meeting held on the 31st of October, ultimo.

The only article which said proposition contains is reduced to providing for the cession by Spain to the United States of the archipelago known as the Philippine Islands, situated within the perimeter geographically determined in its text.

But in addition thereto the proposition contains two paragraphs, not intended to form a part of the article, the second of which is of such importance as to demand from the Spanish Commission to deal with it specially in this paper.

The Spanish Commissioners have stated that the American proposition excited in them great surprise, and it is their duty to set forth the reasons which explain that feeling.

From the first to the last conference, the American Commissioners have been alleging constantly—and that allegation was the principal ground upon which their drafts relating to Cuba and Porto Rico were based—that in their conferences the two Commissions have to abide by the bases established in the preliminaries of peace agreed upon and signed on the 12th of August ultimo. The same was said and continues to be said by the Spanish Commissioners. One difference, however, has existed in this respect between the two Commissions, and this has been that the American Commissioners understand that the Protocol should be construed according to its letter, strictly, and without taking into consideration any data, antecedent or document. For this reason, as the words "Debt of Cuba, or of Porto Rico" were not written on the Protocol, they have deemed that Spain should transmit or cede her sovereignty over the islands, but should retain the latter's

obligations. The Spanish Commissioners understand, on the contrary, that for determining the literal meaning of the Protocol it is necessary not only to bear in mind the general rules of international law as to the interpretation of treaties, but also the negotiations carried on between the two parties which culminated in this agreement, and in which the interpretation of the latter had been given beforehand and officially.

Therefore the proposition relating to the cession by Spain to the United States of the Philippine Islands, besides not being included in or covered by the articles of the Protocol, appears to be in open contradiction of its terms. In the opinion of the Spanish Commission it is a flagrant violation of the agreement.

The Protocol contains six articles, and only one, the third, refers to the Philippine Archipelago. Literally translated (into Spanish) from the official French text, it reads as follows: —

"The United States shall occupy and hold the city, the bay and the harbor of Manila pending the conclusion of a treaty of peace which shall determine the inspection (*contrôle*), the disposition, and the government of the Philippine Islands."

This is all that the Protocol says about the archipelago.

Even accepting as a proper standard for the interpretation of this article the narrow one of the literal meaning, as claimed (no matter how strange it may appear) by the American Commission, the Spanish Commission would have only to reply that the text of the Protocol refers to nothing else than the temporary or provisional occupation by the United States of Manila, its harbor, and its bay, until the treaty of peace, determining or agreeing upon the inspection, disposition and government of the Philippine Islands, should be concluded.

What has this to do with any change or cession of sovereignty?

The first part of the article is perfectly clear. Not even the slightest doubt can exist as to the fact that the only agreement as to Manila, its bay and its harbor, referred to the occupation thereof, not final but provisional, by the United States; said occupation to last only until the conclusion of the treaty of peace. No proof is necessary to corroborate this literal construction of the text. But should it be required, the American Commission would find it in document number 19 in the Yellow Book just published by the Government of the French Republic. Said document contains the circular addressed by the French Minister of Foreign Affairs to the French Ambassadors in Europe, three days after the signing of the Protocol, acquainting them with the mission which the Government of the Republic had allowed to be entrusted to the French Ambassador at Washington, to offer peace to the Government of the United States in behalf of the Government of Her Catholic Majesty. This circular states that the French Ambassador at Washington had signed, in the name of Spain and at her request, a Protocol setting forth the demands of the United States, and after enumerating those demands, and in referring to the Philippine Islands, the French Minister of Foreign Affairs says that the only one contained in that document was the *provisional occupation of Manila by the American forces.*

The American Commission will not disregard the unquestionable moral weight of the testimony of the Minister of Foreign Affairs of the French Republic, equally friendly to the two belligerent states, who could know nothing about the Protocol except through the most authoritative channel of the French Ambassador who had discussed it with

the American Government, and agreed to it and signed it, in the name of Spain.

The mere provisional character of that occupation remained even after the Protocol was signed, when General Merritt, contrary to what had been agreed upon in Article VI of the same, forcibly took possession of Manila. In the last paragraph of number 5 in the rules for capitulation agreed upon and signed on August 15, on the part of the United States by Brigadier General of Volunteers E. V. Greene, by Captain Lamberton of the United States Navy, by Lieutenant-Colonel and Inspector-General Whittier, and by Lieutenant-Colonel Judge-Advocate Crowder, the following was said:—

"The return of the arms surrendered by the Spanish forces shall take place when they evacuate the city or when *the American army evacuates.*"

Therefore it was understood by those who signed this agreement that the American forces did not permanently occupy the place, as they anticipated the case that they would have to evacuate it. And if they anticipated this, it is clear that they understood their occupation of the place to be merely provisional.

True it is that the words "inspection, disposition and government of the Philippine Islands" have not a clear meaning. The Spanish Government and its representative at Washington had noticed this fact and asked for the proper explanation thereof (which was not given) by the American Government, before the Protocol was signed. But whatever construction may now be placed upon these words, the fact is that in no case can their meaning be so stretched as to involve in any way the idea of cession of the sovereignty of Spain over the archipelago. Such a cession or acquisition *in perpetuum* of the archipelago by the United States, had it been agreed upon in the Protocol, would have been in contradiction with the mere temporary occupation of Manila, which at the same time was agreed upon in the same clause of that instrument.

Nor could the said construction ever be admitted as valid, under the rules of interpretation of treaties, because the said admission would result in benefiting a party who refused to explain, when asked at the proper time to do so, the meaning of the words which even then were considered ambiguous and indeterminate. Even if this were not the case, the rule which the Spanish Commission understand to have been applied to them without reason, set forth by the American Commissioners in their last "memorandum", namely, that "the abstention of Spain from proposing in the Protocol the condition of the transfer of the debt precluded her from proposing it now", would be applicable to the case. The United States abstained from proposing to Spain in the Protocol, frankly and openly, as frankly and openly as all things must be set forth in all treaties, which must never be concluded unless to be understood and complied with in good faith, the cession of her sovereignty over the archipelago. They did not do it, and they became thereby precluded from proposing it now.

All the foregoing statements must really be considered in excess of necessity, as it is a fact, perfectly well known to the American Commissioners, that when the Protocol was signed at Washington the most worthy President of the Union not only had no idea that Spain would have to cede the Philippine Archipelago to the United States, but entertained, on the contrary, an opposite idea, namely, that Spain would retain her sovereignty over it.

In the conference held on August 4 last, between Mr. Cambon, Ambassador from France, and President McKinley, in the presence of the United States Secretary of State, Mr. Cambon made some remarks as to the cession of Porto Rico in compensation for the expenses of the war, and the President, showing himself inflexible upon that point, repeated his assertion that the Philippine question was the only one *not finally settled in his mind*. It was then that Mr. Cambon asked for an explanation about the meaning of the above cited phrases in Article III of the Protocol, relating to the Philippine Archipelago, as the language of said article might lend itself to inspire fear in Spain *in regard to her sovereignty over these islands*. President McKinley answered him, verbatim, as follows:

"I do not want any ambignity to be allowed to remain on this point. The negotiators of both countries are the ones who shall resolve upon the permanent advantages (notice that he said "advantages" and not "rights") which we shall ask in the archipelago, and decide upon the intervention (*contrôle*), disposition and government of the Philippine Islands."

He further said: "The Madrid Government can rest assured that *up to now nothing is decided à priori, in my own mind, against Spain*, nor do I consider anything decided by it against the United States."

Is it therefore doubtful that on the 12th of August, when the Secretary of State of the United States signed the Protocol, the President of the United States had no idea of demanding from Spain the cession to the United States of her sovereignty over the archipelago?

But there is something more. The President of the United States, far from entertaining that purpose, clearly showed by his language that he desired that Spain should preserve her sovereignty. He said that the Commissioners at Paris would have to come to an agreement as to the *permanent* advantages to be demanded by the United States in the Philippine Archipelago. If Spain was to be deprived of her sovereignty, what future advantages could possibly be asked from Spain by the United States Commissioners, or granted them by Spain? How would it be possible for the American Commissioners at Paris to ask Spain for advantages in an archipelago which they at the same time had to demand and receive as their own property?

There is still another proof, as irrefutable as the above, that the Washington Government, far from having at that time any idea or intention to acquire sovereignty over the Philippine Archipelago, consented that said sovereignty continue to be vested in Spain, by removing from its own mind all idea of change in this respect, either when framing or signing Article III of the Protocol.

When the Spanish Government, by its despatch of the 7th of August, answered the note of the Honorable Secretary of State of the United States of the 31st of July, wherein he informed Spain of the conditions, such as set forth in the Protocol, upon which the American Government was disposed to put an end to the war, the Spanish Secretary of State used in regard to basis 3 the following language:

"The basis relating to the Philippine Islands seems, according to our understanding, to be too indeterminate. In the first place, the title invoked by the United States for the occupation of the bay, harbor and city of Manila, pending the conclusion of a treaty of peace, cannot be conquest, as the city of Manila is still defending itself. In spite of the blockade by sea and the siege by land, the former by the American fleet, the latter by forces commanded by a native encouraged and assisted by the American Admiral, the Spanish flag has not been lowered. In the

second place, the Philippine Archipelago is wholly in the power and under the sovereignty of Spain. The Spanish Government understands, therefore, that the temporary occupation of Manila must constitute a guarantee. The treaty of peace, it is said, shall determine the intervention, disposition and government of the Philippine Islands, and as the intention of the Federal Government is too much veiled in this clause, *it is important for this Government to state that while accepting the 3d basis, it does not relinquish à priori the entire sovereignty over the Philippine Archipelago, and leaves to the negotiators the care to stipulate in regard to such reforms as it may be advisable to introduce there,—in view of the situation of those possessions and the degree of cultivation of their inhabitants. The Government of Her Majesty accepts the 3d clause as supplemented by the aforesaid declaration.*"

It appears very plainly that the Spanish Government did not accept the only item of the Protocol which relates to the Philippine Islands, except in so far as it meant that the occupation of Manila should be only temporary and in the nature of a guarantee, and that the intervention, disposition and government spoken of in the item should refer to the interior regime and administration of the government of the said islands, and not to the entire sovereignty, which Spain expressly reserved and was entitled to retain.

Against this construction placed beforehand by the Government of Her Catholic Majesty upon the 3d basis of the Protocol,—a construction upon which exclusively it was accepted,—the Washington Government said or suggested nothing, before signing the instrument. On the contrary, the Secretary of State of the United States, when sending to the French Ambassador the draft of the Protocol which was to be signed, said to him in a letter that the note of the Spanish Government (the one in which the above quoted phrases appear) contained in its spirit the acceptance by Spain of the conditions proposed by the United States. Therefore, the third condition had been framed by the American Government in the same sense in which it had been understood by the Spanish Government. Otherwise it would have been impossible for the Secretary of State of the United States to say, upon examination of the note in which the Spanish Government explained the only meaning of the article which would be acceptable to it, that the Spanish Government did accept it.

The result is that while the United States may now come and claim the said sovereignty, the claim can never be founded upon the Protocol.

And what other title, different from that agreement, can they allege, against the will of Spain, to be vested in them?

The bases upon which the United States agreed to make peace with Spain, or, in other words, the conditions which the United States imposed upon Spain for the reestablishment of peace between the two countries, were set forth in the Protocol. An immediate suspension of hostilities was also agreed upon in that instrument; and Spain up to the present time has scrupulously kept the agreement. Therefore the United States can have no right to demand now from Spain any onerous conditions not contained in the Protocol, either because of events prior to its date,—since when the Protocol was signed the United States did not make more demands than are written therein, and were satisfied with their acceptance by Spain,—or because of subsequent events, since Spain, after the instrument was signed, did not commit any aggression or give the United States any occasion to make further complaints or demands.

If for reasons which are beyond the sphere of jurisdiction of the

Spanish Commission, the American Government wishes now to acquire sovereignty over the Philippine Archipelago, the proper way to accomplish that purpose is certainly not a claim based upon the preliminaries of peace agreed upon between the two High Contracting Parties and set forth in the Protocol signed at Washington on the 12th of August.

The Spanish Commissioners stated at the beginning of this paper that the second paragraph which the American proposition contained after the proposed article was of such importance that it imposed on them the necessity of dwelling especially upon its import.

The Commissioners assert therein that they are disposed to insert in the treaty a stipulation whereby the United States will assume any debt of Spain contracted for public works or improvements of a pacific character in the Philippines.

The archipelago is in fact burdened with a debt of 200 millions of *pesetas*, secured by mortgage on the proceeds and revenues of the Manila custom house; and there further rest upon the Crown obligations, just charges and other pensions of lesser importance, exclusively connected with the service of that colony.

With respect to the mortgage debt, the Spanish Commissioners have already stated with relation to the debt of a like nature which by way of mortgage burdens the revenues of the custom houses and all the taxes, direct and indirect, of the Island of Cuba, that they cannot even admit any discussion relative to the validity and efficacy of such mortgages.

Legally created by a legitimate sovereign, and legally acquired by the individuals of various nationalities who interested themselves in those provincial operations, Spain is not the proprietor of the rights of these third parties, who are under the aegis of the laws protecting private property, so as to consent in a treaty with the United States or any other power in any way to anything which means or implies an impairment of rights which are not hers. The most elemental duties of public and private probity forbid this.

Spain does not demand the recognition of these secured debts for her own benefit, since her treasury has not bound itself to pay the same, save subsidiarily, that is, only in the event that the revenues and taxes mortgaged are insufficient to meet them. If she makes the demand it is only in obedience to a moral duty resting upon every honest debtor, and, further, in behalf of the holders of her own debt, who could not but see a danger to their interests in the fact that Spain, without being bound thereto, should overburden her treasury with other heavy obligations for which it would be liable jointly with her own, and running the risk of her resources being insufficient to meet them all. The debt and obligations of the colonies which directly interest her are those not enjoying the privilege of security, because with respect to these she is primarily bound, and she understands that it is not just that when she has contracted them for her colonies she should continue, after losing them, burdened with such charges, which are, after all, a small part of the immense capital invested in those colonies which was furnished from her own resources.

Let it be understood therefore, and the Spanish Commissioners hope there will be no necessity to repeat it, that Spain cannot and ought not, since respect for the rights of others forbids it, to agree in this treaty or in any to anything implying the impairment or suppression or even disregard of the private rights of others against the will of their legitimate and special proprietors.

Still more with respect to the unprivileged (unsecured) colonial debt,

their dignity and the respect due to their own selves likewise forbid them accepting the bases which stand out in the paragraph of the proposition under consideration, which consists of the looking into the investment Spain may have made of the proceeds resulting from the creating of such debts. This would be equivalent to submitting to the judgment of a foreign power the acts of her internal government. Judicious or not (and the Commissioners understand they have all been judicious) they were perfectly legitimate acts and they are protected by her sovereignty.

And even in the inadmissible hypothesis that such judiciousness were wanting in them, the Spanish Commissioners do not know that there is anyone who can cause the legitimacy of a legally contracted debt to depend upon the investment, good or bad, which after its creation, the debtor may have made of its proceeds.

The Spanish Commissioners cannot close this paper without calling the attention of the honorable American Commisioners to a point which cannot but be resolved in the treaty, in obedience to the stipulations of the 6th basis of the Protocol, which is as follows: "Upon the conclusion and signing of this Protocol, hostilities between the two countries shall be suspended, and notice to that effect shall be given as soon as possible by each Government to the commanders of its military and naval forces."

Even before the signing of the Protocol the President of the Union, after apprising the Ambassador of France on the 30th of July last of the conditions the United States imposed on Spain for restoring peace therewith, said to him that he consented to granting the suspension of hostilities as soon as the "*Spanish Minister of State should make known to the Ambassador of France, his representative in Washington, that he accepted the negotiations upon the bases suggested by the Federal Government; and authorized the said Ambassador to sign in his name the preliminary minute which put an end to the hostilities.*"

The Spanish Government made known its agreement to such bases, and authorized the Ambassador of France to accept and sign them in its name through its despatch of August 7, which was immediately communicated to the Government at Washington. Notwithstanding this, the hostilities were not then suspended. But finally the suspension thereof was agreed to a few days later, that is on the 12th, in the said 6th article of the Protocol.

In spite of this, on the 13th, General Merritt, commander of the American forces in Manila, and the Admiral of the fleet in that bay, demanded the surrender of the place, and as its authorities did not agree thereto, the said forces opened fire on the San Antonio Abad powder-magazine and on the trenches which defended the city on the land side, unnecessarily causing a considerable number of losses to the Spanish forces, who would have peacefully delivered the city over to the Americans in obedience to the third basis of the Protocol that they might hold it as a guaranty pending the conclusion of the treaty of peace.

General Merritt entered Manila by force, he made prisoners of war of its garrison made up of eight or nine thousand men, he took possession of the public funds and the collection of taxes, including customs receipts, he named as Intendant General and Administrator of the Public Treasury, and Tax Collector, the officers of his army he saw fit, thereby displacing the Spanish officials. He relieved the Spanish Commander of the civil guard charged with the maintenance of public order; he constituted military courts; he opened the port of Manila and all the other ports of the Philippines in the possession of his land

and naval forces to the commerce of his nation and of neutral nations, conditioned on the payment of the dues in force at the time of his arrival, which were collected by his officials. All of this is recorded in the preliminary minute of the capitulation of August 13, in the capitulation of the 14th itself, in the proclamation of General Merritt of like date, in his orders of the 22nd and 23rd of the same month and in the others dictated by the American authorities and officials in Manila.

The Spanish Government remonstrated to that of Washington through the French Embassy against everything that occurred there on August 29 and the 3rd and 11th of September last, repeating such remonstrances since and down to the present time, signally insisting upon the immediate release of the garrison held prisoners in Manila and upon the return of their arms, since, on the one hand, it could not send reinforcements from the Peninsula to the archipelago, nor would the United States look favorably upon such an action, and, on the other hand, it needed those forces to liberate the thousands of Spanish prisoners of the Tagalo insurgents, victims of their ill-treatment, and to combat and dominate that insurrection of its own subjects. The remonstrances of the Spanish Government have been up to the present fruitless. These acts are daily assuming a worse phase. On September 21 Captain W. P. Moffatt, appointed by the American Provost-Marshal in charge of the Bilibid prisons with authority to regulate the entrance and release of all kinds of prisoners, released two named Silvestre Lacoy and Marcos Alarcon, charged with the offense of highway robbery; two others charged with desertion; six charged with contempt of authority; another charged with assault and robbery, and three others charged with homicide. As is seen, all these prisoners were in jail for common crimes. This unheard of act was communicated to the Government of Her Catholic Majesty by the Commandant General's Office of the station of Manila.

Very well; it becomes necessary to examine all these acts from the standpoint of their legality and with relation to what was agreed on in Article VI of the Protocol, which constituted a formal obligation for both Governments.

When was the suspension of hostilities agreed on in said Article VI to go into effect? The answer is not doubtful. The text is clear and explicit: the hostilities were to be suspended upon the conclusion and signing of the Protocol. This occurred on the afternoon of August 12. Therefore from that afternoon the warlike acts which either of the belligerents should commit were to be held as not done in order to restore the *statu quo ante* at the moment of signing the Protocol.

It is idle, and may even be an insult to the great learning of the American Commission, to expound here the doctrine, not only admitted without contradiction since the time of Grotius in international law and usage, and to which all the learned Anglo-American treatise-writers have given their assent and support, but which is furthermore raised in the United States to the category of established law in article 140 of the Instructions to Armies in the Field, which reads as follows: "The armistice binds the belligerents from the day agreed upon between them for its going into effect; but the officers of the two armies are not responsible for this except from the day upon which they are officially notified of the armistice".

The day when it was to go into effect determined in Article VI of the Protocol was that on which it should be concluded and signed. There it says verbatim: "Upon the conclusion and signing of this Protocol, hostilities between the two countries shall be suspended."

General Merritt and the Admiral of the squadron may not be personally responsible for the blood they unnecessarily shed on the 13th if they had no official notice then of the Protocol which had been signed on the previous day in Washington; but this does not conflict, as one of the most learned writers on international law says, with military honor, demanding that they scrupulously abstain from profiting by any advantage that may be gained through the ignorance of troops who may not yet have been informed of the armistice. In cases like this the belligerent power whose forces through ignorance commit a warlike act, cannot profit by its advantages, and should restore things to the *statu quo ante*, indemnifying the belligerent injured for the damages and injuries he may have suffered through said warlike act, and restoring, as is said by the learned Anglo-American publicist Dudley Field, all prizes taken in violation of the armistice.

This is so elementary and common in the United States that in their colleges the work entitled "Elements of International Law and Laws of war", written by Major General Halleck, serves as a text-book, and in the Philadelphia edition thereof, page 283, appears the following:

"The truce binds the contracting parties *from the moment of its conclusion* unless otherwise specially stipulated; but it does not bind the individuals of a nation to the extent of making them personally responsible for its rupture until they have actual and positive notice thereof.

"Consequently, if individuals without knowledge of the suspension of hostilities, kill an enemy or destroy his property, they do not by such acts commit a crime, nor are they bound to pecuniary indemnity, but if prisoners or prizes are taken the *sovereign is bound to immediately release the former and restore the prizes.*"

The American Government has not released, up to this time, the imprisoned garrison of Manila, nor has it reduced its military occupation to the limits of a simple right to garrison it, which is, according to Article III of the Protocol, the only thing it had a right to do as a guaranty until the signing of the treaty of peace.

The Spanish Commissioners, therefore, in obedience to what was expressly agreed to in the Protocol, understand that the treaty of peace ought to embody:

1st The immediate delivery of the place to the Spanish Government.

2nd The immediate release of the garrison of the same.

3rd The return to the Spanish Government of all the funds and public property taken by the American army since its occupation of the place, and of the taxes of every kind collected or to be collected up to the time of returning the same.

4th The obligation on the part of the United States to indemnify Spain for the serious damage occasioned her by the detention as prisoners of the said troops, to which detention is due the spreading with impunity of the Tagalo insurrection in the island of Luzón and its invasion of the Visayas islands, and because, moreover, to this same cause has been due the ill-treatment of thousands of Spanish prisoners, civil and military; treatment to which the Tagalo insurgents have continued to subject them with impunity.

In virtue of what has been said the Spanish Commission has the honor to make to the American Commission the following proposition:

First.—That it cannot accept the propositions it has presented asking for the cession of the sovereignty of the Philippine Archipelago to the United States, as it understands that this is contrary to the preliminaries of peace agreed upon in the Protocol of Washington.

Second.—In consequence of this it invites the American Commission

to present, in accordance with the stipulations of Articles III and VI of the Protocol, a proposition concerning the control, disposition and government of the Philippine Archipelago and concerning the obligation which, as has just been said, it is the duty of the United States to contract because of the acts of war committed by its troops after the signing of the Protocol in forcibly seizing the city of Manila and performing acts beyond the scope of the only rights the United States could exercise in that city, its bay and harbor, pursuant to the stipulations of the said Article II of the Protocol.

True copy:

EMILIO DE OJEDA

PROTOCOL No. 13.

Conference of November 9, 1898.

On the 8th instant, the day to which the conference was adjourned, the American Commissioners requested a postponement of the meeting from two to four o'clock, in order that an opportunity might be given for the completion of the copying of their answer to the counter-proposition presented by the Spanish Commissioners at the last session. The Spanish Commissioners being unable to be present at the latter hour, the session was, on their suggestion, postponed till the 9th of November, at two o'clock, p. m., at which hour there were

Present On the part of the United States: Messrs. Day, Davis, Frye, Gray, Reid, Moore, Fergusson.

On the part of Spain: Messrs. Montero Rios, Abarzuza, Garnica, Villa Urrutia, Cerero, Ojeda.

The protocol of the preceding session was read and approved.

The American Commissioners presented an Answer to the Counter-Proposition submitted by the Spanish Commissioners on the 4th instant in relation to the Philippines. A copy of the Answer is hereto annexed.

The Spanish Commissioners stated that they would examine the answer, but that its length and the necessity of having it carefully translated made it impossible for

PROTOCOLO No. 13.

Conferencia del 9 de Noviembre de 1898.

El 8 del corriente, día señalado para la reunión de las Comisiones, solicitaron los Comisarios americanos que en vez de celebrarse á las dos tuviese lugar á las cuatro de aquella tarde, á fin de completar la copia de su respuesta á la contraproposición presentada por los Comisarios Españoles en la última sesión. No pudiendo concurrir á dicha hora los Comisarios Españoles, se aplazó á propuesta suya hasta hoy 9 de Noviembre á las 2. P. M. en cuya hora se hallan.

Presentes Por parte de los Estados Unidos de América, los Señores Day, Davis, Frye, Gray, Reid, Moore, Fergusson.

Por parte de España, los Señores Montero Ríos, Abarzuza, Garnica, Villa Urrutia, Cerero, Ojeda.

Fué leída y aprobada el acta de la sesión anterior.

Los Comisarios americanos presentan una contestacion á la contraproposición presentada en la sesión del 4 del corriente por los Comisarios Españoles relativa á las Islas Filipinas y se une dicho documento á esta acta.

Los Comisarios Españoles manifestaron que examinarían dicha contestación y que en vista de su extensión y de la necesidad de traducirla con esmoro, que hacía im-

them at the moment definitely to state what time would be needed for a reply; and they proposed either to advise the American Commissioners later in the day when the Commission might meet again, or at once to designate a day without prejudice to asking for a postponement, should it be necessary and should the nature of the document require it.

The American Commissioners preferring the latter course, the conference was adjourned till Saturday the 12th of November at two o'clock, p. m., with the understanding that the Spanish Commissioners might if necesary ask for a postponement.

WILLIAM R. DAY
CUSHMAN K. DAVIS
WM P FRYE
GEO. GRAY
WHITELAW REID.
JOHN B. MOORE.

posible el saber á punto fijo el tiempo que se necesitaría para contestarla, proponian, ya sea dar aviso á la Comisión Americana aquella noche misma, del dia en que podía reunirse la Comisión, ya sea fijar en aquel momento un día sin perjuicio de pedir un aplazamiento si fuese necesario y resultase de la naturaleza del documento.

Los Comisarios Americanos habiendo dado la preferencia á la segunda de estas proposiciones, se aplazó la conferencia hasta el sábado 12 del corriente á las dos P. M. en la inteligencia de que los Comisarios Españoles tendrían la facultad de pedir un aplazamiento si lo considerasen necesario.

E. MONTERO RÍOS
B DE ABARZUZA
J. DE GARNICA
W R DE VILLA URRUTIA
RAFAEL CERERO
EMILO DE OJEDA

ANNEX TO PROTOCOL NO. 13.

ANSWER OF THE AMERICAN COMMISSIONERS TO THE PROPOSITION OF THE SPANISH COMMISSIONERS OF NOVEMBER 3, 1898.

The American Commissioners, replying to the Spanish proposition of the 4th instant, will proceed at once to the examination of the grounds on which the Spanish Commissioners endeavor to justify their expression of surprise at the American proposals of the 31st of October on the subject of the Philippines.

The Spanish argument sets out with the erroneous assumption that the United States bases its demands in respect of the Philippines upon the terms of the Protocol in the same sense as it bases its demands in regard to Cuba and Porto Rico upon the terms of the same instrument; and, proceeding upon this assumption, it finds in the position of the United States on the two subjects an inconsistency. The United States, it declares, adhered, in respect of Cuba and Porto Rico, to the "letter" of the Protocol, while in the case of the Philippines, it has presented a demand "not included in or covered by the articles" of that agreement.

The American Commissioners are not disturbed by this charge of inconsistency, since they deem it obviously groundless. They based their demands in regard to Cuba and Porto Rico upon the precise terms of the Protocol, because it was in those very terms that the United States had made its demands and Spain had conceded them, by promising to "relinquish all claim of sovereignty over and title to

Cuba", and to "cede" to the United States Porto Rico and certain other islands. The United States, in insisting upon the words of the Protocol on these subjects, merely asked that the precise concessions of Spain be made good.

In the case of the Philippines, the United States, except as to the bay, city, and harbor of Manila, confined itself to demanding that the subject should be left in the widest and fullest sense for future negotiations. While it did not, with the exception referred to, demand specific concessions, it reserved and secured the right to demand them. Its position, therefore, is, not that its present demands in respect of the Philippines were specifically set out in the Protocol, but that they are justified by and included in the right which it therein expressly reserved and secured to make demands in the future.

Putting aside, however, the erroneous assumption of which notice has just been taken, it appears that the Spanish Commissioners differ with the American Commissioners as to the scope and meaning of the third article of the Protocol signed by the representatives of the two Governments at Washington on the 12th of August, 1898. This article is as follows:

"ARTICLE 3.—The United States will occupy and hold the city, bay and harbor of Manila, pending the conclusion of a treaty of peace, which shall determine the control, disposition and government of the Philippines."

The Spanish Commissioners contend that in the negotiation and settlement of a treaty under this article nothing can be demanded by the United States which impairs the sovereignty of Spain over the islands, and that a fair construction of the terms of the article can require only such changes in the government of the islands, reforms in administration and kindred changes, as do not affect ultimate Spanish sovereignty.

It is the contention on the part of the United States that this article leaves to the determination of the treaty of peace the entire subject of the future government and sovereignty of the Philippines necessarily embraced in the terms used in the Protocol.

The Spanish Commissioners support their contention upon two grounds: First, that the meaning of the words is not such as to include the sovereignty of Spain in the Philippines. Second, that the history of the negotiations, and the reservations made by Spain in the course thereof, preclude the United States from making its claim.

It is a principle of law no less applicable to international differences than to private controversies that where the result of negotiations has been embodied in a written compact, the terms of such agreement shall settle the rights of the parties. The reasons upon which this doctrine rests are too well known to need recapitulation here. While the United States might well rest its case upon a construction of the terms used, it has no disposition to avoid the fullest examination and the most searching scrutiny of the negotiations which preceded the making of the Protocol, as they but serve to make clear the purpose of the parties to leave to the treaty now in process of negotiation the fullest opportunity to dispose of the government and sovereignty of the Philippine Islands in such a manner as might be recorded in the treaty.

The two Governments being at war, negotiations with a view of obtaining a treaty of peace were opened by the Government of Spain through the Minister of State addressing to the President of the United States, in the name of the Government of Her Majesty the Queen Regent, a note dated the 22nd of July, 1898, which it is not necessary

to set out in full here. It is sufficient to say that therein the President of the United States is asked to name the terms upon which peace may be had between the two countries. This note was presented to the President of the United States on the 26th day of July, 1898, by Mr. Cambon, Ambassador of the French Republic at Washington, authorized to make the application, and represent the Spanish Government in the subsequent negotiations which led up to the execution of the Protocol. At that meeting the President received the note of July 22 from the Spanish Government and advised Mr. Cambon that after consultation with his Cabinet he would prepare an answer which could be transmitted to the Spanish Government. On July 30 following, the terms of peace having been carefully considered and agreed upon by the President and his Cabinet, the President received Mr. Cambon at the Executive Mansion in Washington, at which meeting were also present Mr. Thiébaut, Secretary of the French Embassy in Washington, and the then Secretary of State of the United States. The answer of the President to the communication of the Spanish Government, dated July 30, 1898, was then read to Mr. Cambon. This note was in the exact form in which it was afterwards signed and delivered to Mr. Cambon to be sent to the Spanish Government, with a single exception. After some discussion of the terms of the note as to Cuba, and Porto Rico and other West Indian islands, Mr. Cambon said he did not know what the Spanish Government would desire as to the Philippines, and no matter what the note might say as to the Commission, the Spanish Government would regard the purpose of the United States as being fixed to acquire not only Cuba and Porto Rico, but the Philippines as well. The President said that as to the Philippines the note expressed the purposes of this Government, and their final disposition would depend upon the treaty to be negotiated by the Commissioners and ratified by the interested Governments.

After further discussion, in which the President reiterated that the treaty must determine the fate of the Philippines, and the note of the President on that subject reading then as now with the single exception that the word "possession" was then in Article III, so that it read "control, possession and government of the Philippines", where it now reads "control, disposition and government of the Philippines", Mr. Cambon said that the word "possession" translated into Spanish in such a way as to be regarded as of a severe and threatening nature, and suggested a change in that word. He suggested the word "condition". The President declined to change the word except for a word of similar import or meaning. The word "disposition" being suggested, after considerable talk the President consented that that word, not changing the meaning, being indeed a broader one and including possession, might be substituted. Thereupon the note at the close of the interview of July 30, in exactly the form it was originally cast with the single change of the word "disposition" for "possession", was delivered to Mr. Cambon to be communicated to the Spanish Government.

On Wednesday, August 3, in the afternoon, Mr. Cambon having intimated a desire for a further interview with the President, another meeting between the same persons was held at the Executive Mansion. Mr. Cambon said the Spanish Government had received the answer of the President, and that it was regarded by Spain as very severe. After asking a modification as to Porto Rico, to which the President promptly answered that he could not consent, Mr. Cambon said there was a disposition to believe in Spain that the United States intended to take the Philippine group; that the Spanish Government appreciated that

reforms were necessary in the government; that American privileges should be granted: but that Spanish sovereignty should not be interfered with was a matter which Spain would insist upon. The President answered that the question of Cuba, Porto Rico and other West India islands, and the Ladrones, admitted of no negotiation; that the disposition of the Philippine Islands, as he had already said to Mr. Cambon, must depend upon the treaty which might be negotiated, and that he could not make any change in the terms theretofore submitted. Mr. Cambon called attention to the wording of the note as to the possession of the city, bay and harbor of Manila to be retained during the pendency of the treaty, and asked what was to be done with them afterwards. The President said that must depend upon the terms of the treaty.

This is the same interview alluded to in the memorandum of the Spanish Commissioners as having occurred on the 4th of August. It in fact occurred on the afternoon of August 3, the difference in date arising from the fact, no doubt, that it was reported on the 4th of August. This can make but little difference, as there was but one interview at that time.

In reporting the conversations, and comparing the memoranda made by Mr. Cambon with those made by the representative of the American Government then present, it must be borne in mind that Mr. Cambon did not speak or understand English, but communicated with the President through the medium of an interpreter, his Secretary, and that neither of the American representatives understood or spoke the French language. Making this allowance, it is perfectly apparent that the American President, even in the version reported and transcribed in the memorandum of the Spanish Commission, at all times maintained that the treaty of peace should determine the control, disposition and government of the Philippines. The President did say that the Philippine question was the only one left open for negotiation and settlement in the treaty. It is undoubtedly true that it was not then fully settled in his own mind as to what disposition should be made of the Philippines. Had it been, there would have been nothing to leave to negotiation and settlement in the treaty. It was the purpose of the President in everything written and spoken to leave to the negotiators of the treaty the most ample freedom with reference to the Philippines, and to settle, if their negotiations should result in an agreement, the control, disposition and government of those islands in the treaty of peace. When Mr. Cambon spoke of Spain's purpose to retain sovereignty over those islands, the President did say he wanted it clearly understood that no ambiguity should remain upon that point, but that the whole matter should be decided as set forth in the treaty of peace, which should determine the control, disposition and government of the Philippine Islands. He certainly did not use the word "intervention" nor limit the subject of negotiation to "advantages" in the Philippines; nor can it be claimed that any report was made to the Spanish Government of the precise English words used by the President. In the same paragraph quoted in the memorandum of the Spanish Commission in which it is said he used the words above quoted, it is added that the President also said the negotiators should decide upon the "intervention" (*contrôle*), disposition and government of the Philippine Islands. Even this version of the conversation is ample proof that the President showed no uncertainty as to the scope and meaning of the terms used. He did say in substance, in reply to the inquiry of Mr. Cambon as to whether the United States had pre-

judged the matter of the Philippine Islands and the rights to be acquired therein by the United States, that the case had not been prejudged either as to the United States or as to Spain. The whole matter would be left to the Commission for negotiation, and to be settled by the treaty of peace. In the meantime the United States would insist upon holding Manila as laid down in the note, and its disposition thereafter would depend upon the terms of the treaty. This is reported in the quotation in the Spanish note as the utterance of the President that "the Madrid Government can rest assured that up to now nothing is decided *a priori* in my own mind against Spain, nor do I consider anything decided by it against the United States." This may not be an unfair interpretation, though not the exact words used by the President. It shows clearly that he did not regard the United States as limited to "advantages in the Philippines", but the whole matter, being undecided in the President's mind, was left open in accordance with the terms of the note. The case was not decided in advance in any of its aspects either for or against either government.

Great stress is laid in the Spanish memorandum upon the allegation that the President had not then determined to take the Philippine group, and indeed did not intend to do so. It is utterly immaterial to inquire as to what either Government would then have insisted upon. There was a mutual agreement that the question should not then be decided. Opportunity for full investigation was reserved, the final conclusion to be arrived at as the result of the negotiations now in progress, in the treaty of peace to be here concluded.

Further conversation as to the number of Commissioners, the place of meeting, et cetera, terminated the interview.

On the afternoon of August 9, Mr. Cambon, having received the note of August 7 sent by the Duke of Almodovar, called by appointment at the Executive Mansion in Washington, at which interview were present the same parties as at the last meeting. The part of that note which relates to the Philippines, in the exact terms in which it was then presented in English text by the French Ambassador to the President of the United States, is as follows:

"'The terms relating to the Philippines seem, to our understanding, to be quite indefinite. On the one hand, the ground on which the United States believe themselves entitled to occupy the bay, the harbor and the city of Manila, pending the conclusion of a treaty of peace, cannot be that of conquest, since in spite of the blockade maintained on sea by the American fleet, in spite of the siege established on land by a native supported and provided for by the American Admiral, Manila still holds its own, and the Spanish standard still waves over the city. On the other hand, the whole Archipelago of the Philippines is in the power and under the sovereignty of Spain. Therefore the Government of Spain thinks that the temporary occupation of Manila should constitute a guaranty. It is stated that the treaty of peace shall determine the control, disposition, and government of the Philippines; but as the intentions of the Federal Government by regression remain veiled, therefore the Spanish Government must declare that, while accepting the third condition, they do not *a priori* renounce the sovereignty of Spain over the archipelago, leaving it to the negotiators to agree as to such reforms as the condition of these possessions and the level of culture of their natives may render desirable.

"'The Government of Her Majesty accepts the third condition, with the above mentioned declarations.'

"Such are the statements and observations which the Spanish Gov-

ernment has the honor to submit in reply to your Excellency's communication. *They accept the proffered terms, subject to the approval of the Cortes of the Kingdom, as required by their constitutional duties.*

"The agreement between the two governments implies the irremeable suspension of hostilities and the designation of Commissioners for the purpose of settling the details of the treaty of peace and of signing it, under the terms above indicated."

It is translated in the memorandum of the Spanish Commissioners in language differing somewhat from the terms of the note as presented to the President. In the translation in the memorandum it is said that the treaty shall determine "the intervention, disposition and government of the Philippine Islands". In the note as presented to the President it reads "it is stated that the treaty of peace shall determine the *control*, disposition and government of the Philippines". The word "entire" precedes "sovereignty" in the translation embodied in the Spanish note.

It is true that, taking these words of the Duke of Almodovar either as they were conveyed to the President of the United States, or as they are now quoted in the Spanish proposition, it may be argued that they do no more than reserve to Spain the right to maintain that she did not in advance of the negotiations for peace renounce her sovereignty over the archipelago. She did this, by her own declaration, for the reason that the intentions of the United States were "veiled"; clearly perceiving that by the terms of the demand the United States would have the right, if it saw fit to exercise it, to ask that she yield her sovereignty over the group, and that her sovereignty was thus put in jeopardy, she took the precaution to say that she did not intend, in assuming the chance of such a demand, to concede it in advance.

The American Commissioners do not deny that this may be a fair construction of this particular paragraph of the Duke's note. The representatives of the United States were not willing, however, to leave anything to construction. When therefore the Duke's answer was read to the President it was immediately objected to by him and the Secretary of State, in that it was vague and indefinite, purporting to accept the terms laid down in the note of the United States, while requiring some modification. In referring to the Philippines, while in one paragraph it stated the acceptance of the terms, in another it seemed to retain the full right of sovereignty, with such reforms, etc., as that Government might see fit to grant. The unsatisfactory character of this answer is more clearly shown when in the subsequent part of the same note, not quoted in the memorandum of the Spanish Commissioners, it was said without qualification that they (the Spanish Government) accept the proffered terms, subject to the approval of the Cortes of the Kingdom, as required by their constitutional duties. In the part of the note referred to above it is said "the Spanish Government must declare that, while accepting the said condition, they do not *a priori* renounce the sovereignty of Spain over the archipelago, leaving it to the negotiators, etc." These contradictory statements were called to the attention of Mr. Cambon, and made the note, as was said to him, unsatisfactory to the United States.

It is to be observed, as has already in effect been pointed out, that even the terms of this note are inconsistent with the claim now put forward that Spanish sovereignty shall not be interfered with, for the length to which the statement goes in the note is that the Spanish Government does not *a priori* relinquish entire sovereignty over the Philippine Archipelago, thus leaving it clearly to be inferred that the Spanish

Government recognized that the negotiations resulting in a treaty might require a relinquishment of Spanish sovereignty consequent upon such negotiations.

Mr. Cambon, having heard the objections raised by the American representatives to the note, asserted that allowance must be made for different translations which the note had undergone in course of transmission, and to the desire of the Spanish Government to express regret at the loss of its colonies; and he was very confident that it was the intention to accept the terms of the United States. It was then suggested by the American Representatives that if this be true, and the note was to be regarded as a full acceptance, the best way to settle the matter was to put the terms in the shape of a definite Protocol, which the President would authorize the Secretary of State to sign for the United States, Mr. Cambon to submit to the Spanish Government the exact terms of the Protocol, to which an answer *Yes* or *No* could be had; and if the Spanish Government accepted the Protocol, that would end the controversy. Mr. Cambon concurred in this view, and said if the Protocol was drawn up in proper form he would submit it to the Spanish Government, and if authorized would execute it on its part.

On that evening, August 9, the Protocol was prepared in the State Department at Washington, and taken to the Executive Mansion, where it was submitted to the President and members of the Cabinet there present. On the morning of August 10, Mr. Cambon called at the State Department at Washington, a draft of the Protocol was submitted to and approved by him, and put into French by Mr. Thiébaut, Secretary of the French Embassy at Washington, and experts in the State Department. It was carefully compared with the English text, and then telegraphed by Mr. Cambon to the Spanish Government. On the same day, August 10, the note of the Secretary of State enclosing the Protocol was sent to Mr. Cambon in Washington. This note, it is said, contains the admission of the Secretary of State of the United States that the note of the Duke of Almodovar of August 7 "contained in its spirit the acceptance by Spain of the conditions proposed by the United States." The best answer to this obvious misconstruction of the terms of the note of the Secretary of State is in the text of the note itself, which is as follows:

DEPARTMENT OF STATE,
Washington, August 10, 1898.

EXCELLENCY, Although it is your understanding that the note of the Duke of Almodovar, which you left with the President on yesterday afternoon, is intended to convey an acceptance by the Spanish Government of the terms set forth in my note of the 30th ultimo as the basis on which the President would appoint Commissioners to negotiate and conclude with Commissioners on the part of Spain a treaty of peace, I understand that we concur in the opinion that the Duke's note, doubtless owing to the various transformations which it has undergone in the course of its circuitous transmission by telegraph and in cipher, is not, in the form in which it has reached the hands of the President, entirely explicit.

Under these circumstances, it is thought that the most direct and certain way of avoiding misunderstanding is to embody in a Protocol to be signed by us as the representatives, respectively, of the United States and Spain, the terms on which the negotiations for peace are to be undertaken.

I therefore enclose herewith a draft of such a Protocol in which you will find that I have embodied the precise terms tendered to Spain in my note of the 30th ultimo, together with appropriate stipulations for the appointment of Commissioners to arrange the details of the immediate evacuation of Cuba, Porto Rico, and other islands under Spanish sovereignty in the West Indies, as well as for the appointment of Commissioners to treat of peace.

Accept, Excellency, the renewed assurance of my highest consideration.

(Signed:) WILLIAM R. DAY.

His Excellency M. JULES CAMBON, etc.

In this note, so far from saying that the Secretary of State of the United States understands that the note of the Spanish Government of August 7 accepts the American terms, it is distinctly said "although it is your (Mr. Cambon's) understanding that the note of the Duke of Almodovar is intended to convey the acceptance by the Spanish Government of the terms set forth in my note of the 30th ultimo, * * * I understand that we concur in the opinion that the Duke's note, doubtless owing to the various transformations which it has undergone in the course of its circuitous transmission by telegraph and in cipher, is not, in the form in which it reached the hands of the President, entirely explicit."

Here it is distinctly stated that the Secretary of State and Mr. Cambon concur that the note is not entirely explicit. Was it then to be expected after all this careful negotiation that a note which the American representatives contended did not accept the terms of the United States, and which both negotiators agreed was not explicit, was to be received as a satisfactory answer to the American demand? Not so.

"Under these circumstances it is thought that the most direct and certain way of avoiding misunderstanding is to embody in a Protocol, to be signed by us as the representatives, respectively, of the United States and Spain, the terms on which the negotiations for peace are to be undertaken."

This is a most emphatic and definite declaration that the note of August 7 was not satisfactory, and that it was the purpose of the United States to leave nothing open to misunderstanding, but to embody, in a contract so plain that dispute would be forever foreclosed, the exact terms upon which negotiations for peace would be undertaken. The note goes on to say "I therefore enclose herewith a draft of such a Protocol, in which you will find that I have embodied the precise terms tendered to Spain in my note of the 30th ultimo, together with appropriate stipulations for the appointment of Commissioners, etc." What does this note mean? Does it admit the construction that the proposal was intended to embody the acceptance of August 7, reserving Spanish sovereignty? It is definitely settled, as a perusal of the document will show, that the Protocol embodied, not the uncertain and equivocal terms of the note of August 7, but the precise terms stated in the note of the American Government of July 30. This note to Mr. Cambon enclosed the Protocol just as it was written and just as it was signed by the parties. It would seem, if ever an attempt was fairly made to have a clear understanding, if ever all precautions were taken which could leave no room for misunderstanding, such was the course pursued in the present case.

It is thus seen how utterly groundless is the declaration in the Spanish "proposition" that, in order to determine the meaning of the Protocol, it is necessary to "bear in mind * * * the negotiations carried on between the two parties which culminated in this agreement, and in which the interpretation of the latter had been given beforehand and officially"! In the correspondence thus invoked by the Spanish Commissioners as an interpretation of the Protocol, the two Governments did not contemplate the execution of such an instrument; and if the response of the Spanish Government to the American demands had taken the form of a simple acceptance, no Protocol would have been made. The first suggestion of such an instrument was that made in the interview in which the Spanish response was declared to be unsatisfactory. It was because the Spanish response was unacceptable that the United States demanded a Protocol. And it is upon this rejected

response that the Spanish argument for the limitation of the clear scope and meaning of the Protocol is built.

If further proof of the soundness of the position of the United States were needed, it would be found in a most convincing form in the telegram sent by Mr. Cambon to the French Minister of Foreign Affairs. See the French "Yellow Book" referred to in the Spanish memorandum, telegram number 9, Mr. Cambon to the French Minister of Foreign Affairs.

No. 9.—M. Jules Cambon, Ambassador of the French Republic at Washington, to M. Delcassé, Minister for Foreign Affairs.

WASHINGTON, *August 10, 1898.*

The Federal Government has decided to state precisely (*préciser*), in a Protocol, the bases upon which the peace negotiations must, in its judgment, be entered upon. I send you herewith this document, which I shall thank you to transmit to the Spanish Government.

(Signed:) J. CAMBON.

In this telegram, which was immediately communicated to the Spanish Government, and which led to the telegram to Mr. Cambon authorizing him to sign the Protocol, followed by full power from the Queen Regent to Mr. Cambon to that effect, Mr. Cambon distinctly says, not that the American Government has accepted the note of August 7, or in any wise agreed to such reservations as are contained therein, but that "*the Federal Government has decided to state precisely (préciser), in a Protocol, the bases upon which the peace negotiations must, in its judgment, be entered upon. I send you this document, etc.*"

It thus clearly appears that the bases of peace negotiations were to be determined by the instrument which was enclosed, and which it was understood put in definite terms the ultimate agreement of the parties.

It was because the answer made in the note of August 7 was rejected by the United States, and for this reason alone, that hostilities were not upon the receipt of that note declared to be suspended; and it has remained for the Spanish Commissioners in their "proposition" to advance for the first time in behalf of their Government the suggestion that such a declaration should then have been made. It was not so made because that note was not received as an acceptance of the American demands. Hostilities were declared to be suspended only upon the signature of the Protocol.

The correspondence quoted in the French "Yellow Book," no less than the subsequent communications from Mr. Cambon to the American Government, shows distinctly that with the exact terms of this Protocol before it, the Spanish Government, on the 11th instant, and subsequently by full power of the Queen Regent, authorized Mr. Cambon to execute the Protocol in behalf of Spain. Observe the language of the note of Mr. Cambon to the American Secretary of State of August 12, 1898:

EMBASSY OF THE FRENCH REPUBLIC IN THE UNITED STATES,
Washington, August 12, 1898.

Mr. SECRETARY OF STATE: I have the honor to inform you that I have just received, through the intermediation of the department of foreign affairs at Paris, a telegram, dated Madrid, August 11, in which the Duke of Almodovar del Rio announces to me that, by order of Her Majesty the Queen Regent, the Spanish Government confers upon me full powers in order that I may sign, without other formality and without delay, the Protocol whereof the terms have been drawn up by common accord between you and me. The instrument destined to make regular the powers which are thus given to me by telegraph will be subsequently addressed to me by the post.

"His Excellency the Minister of State adds that in accepting this Protocol, and by reason of the suspension of hostilities which will be the immediate consequence

of that acceptance, the Spanish Government has pleasure in hoping that the Government of the United States will take the necessary measures with a view to restrain (*empêcher*) all aggression on the part of the Cuban separatist forces.

The Government of the Republic having, on the other hand, authorized me to accept the powers which are conferred upon me by the Spanish Government, I shall hold myself at your disposition to sign the Protocol at the hour you may be pleased to designate.

Congratulating myself upon thus cooperating with you toward the restoration of peace between the two nations, both friends of France, I beg you to accept, Mr. Secretary of State, the fresh assurances of my very high consideration.

(Signed:) JULES CAMBON.

In the light of these facts, it appears there is absolutely no foundation for the claim that the American Government accepted the Spanish reservations so far as they are contained in the note of the Duke of Almodovar of August 7. Had that note been only a distinct and unqualified acceptance of the terms as contained in the American note of August 30, it would have been unnecessary to require that all uncertainty and doubt should be removed by reducing into few and simple terms, which it was believed could never be misunderstood, the final agreement of the parties. So far from remaining unanswered, the note of August 7 was declared unsatisfactory when presented to the President. Thus ended the attempt to come to an agreement by correspondence; and it was decided that a Protocol should embody the ultimate terms.

The Spanish Government telegraphed the amplest authority to Mr. Cambon to execute it. We are then remitted to the terms of the Protocol itself.

The American Government is at a loss to know how stronger terms could have been used to evidence the purpose of the President to keep open the most full and absolute right to deal with and determine the dominion over the Philippine Islands. This was the purpose of inserting the third article of the Protocol, which embodied the terms of the third demand of the United States, as set forth in the note of July 30 of the American Government to the Duke of Almodovar, wherein it is said: "Third. On similar grounds the United States is entitled to occupy and hold the city, bay, and harbor of Manila pending the conclusion of a treaty of peace which shall determine the control, disposition and government of the Philippines."

What are these similar grounds? They are to be found in the next preceding paragraph of the note of July 30, in which the President says that, though not then making any demand for pecuniary indemnity, nevertheless he cannot be insensible to the losses and expenses of the United States incident to the war, or to the claims of our citizens for injuries to their persons and property during the late insurrection in Cuba. He must, therefore, require the cession to the United States, and the immediate evacuation by Spain, of the Island of Porto Rico, etc. On similar grounds, to wit, among others the right of the United States to have indemnity for its losses, the United States will hold the city, bay and harbor of Manila pending the conclusion of a treaty of peace, which shall determine the control, disposition and government of the Philippines.

How could the United States receive indemnity in whole or in part from the control, disposition and government of the Philippines, if Spanish sovereignty was not to be touched? It is difficult to conceive what terms could have been used which would more clearly have evidenced the purpose of the parties to afford the fullest latitude in dealing with the Philippine question. The treaty was to determine not

alone the control, disposition and government, but at the same time had full power to determine all that is implied in control, disposition and government. Certainly the word "control" was not used here in the sense of "register" or "inspection", but in its broader sense of "authority or command; authority over; power over; the regulation or rule of."

What word could be broader than "disposition," which has practically the same meaning in both the French and English languages? "The disposal of; distribution of; alienation of; definite settlement of; *ultimate destination.*" We have in these two words, then, authority over, dominion of, final and ultimate destination of the subject matter. What is "government" but the right of administration, or exercising sovereignty, the direction, the political management of a state? Either of these terms implies power of interfering with sovereignty. Taken together, they give the fullest scope in dealing with all power, governmental, territorial and administrative.

It is not argued in the Spanish "proposition" that these words should have a narrow meaning so far as disposition and government are concerned, but transcribed into the French language it is sought to give a narrower meaning to the word "control." It must be construed in the connection in which it is found in the Protocol, in its broader sense of power or dominion. *Noscitur a sociis* is a legal maxim which applies to the discussion or determination of the meaning of phrases. "Control" associated with disposition and government of territory might have a very different significance when used in another relation in its less familiar meaning of "inspection or register." The word "disposition" used in another association might have an entirely different meaning, and a meaning which, in connection with government and control, would deprive it of all sense.

The American Government, then, feels itself amply supported in its right to demand the cession of the Philippines with or without concessions, relying upon either the exact terms of the Protocol or those terms interpreted in the light of the negotiations, oral and written, which led to its execution.

The Commissioners of the United States notice with regret that an attempt has been made in the memorandum of the Spanish Commissioners to invoke the high authority of the French Minister for Foreign Affairs in the interpretation of the Protocol, so as to exclude therefrom all mention of the right of the treaty to deal with the control, disposition and government of the Philippines. In the French "Yellow Book" cited by the Spanish Commissioners, it is apparent that as early as the 10th of August the French Government was in possession of the exact terms of the Protocol, transmitted in the note of that date of its Ambassador, Mr. Cambon. Would anybody believe that in summing up this note the Minister would intentionally omit one of the most essential parts of the Protocol?

The note number 19 referred to is no part of the negotiations; its purpose was merely to advise the Ambassadors of the French Republic at London, St. Petersburg, Berlin, Vienna, etc., of the result of the action of the representative of France in bringing about a suspension of hostilities, and the preliminary agreement as to peace, between two nations toward which the French Government was actuated by feelings of humanity and mutual friendship. In this note it is said that the points upon which both parties have reached an agreement were set forth in a Protocol. In stating the contents of that instrument,

doubtless through inadvertence, it is not stated that the treaty shall determine the control, disposition and government of the Philippines.

The attention of the Minister being called to this matter by the American Ambassador in Paris, he very promptly corrected any misapprehension which might exist as to his despatch. This appears in the following letter from the American Ambassador, which has just been received by the American Commissioners:

AMBASSADE DES ÉTATS-UNIS, 18, AVENUE KLÉBER,
Paris, November 5, 1898.

DEAR SIR: I beg to inform you that I saw the French Minister of Foreign Affairs in regard to that portion of the reply of the Spanish Peace Commissioners in which they refer to a letter sent by him to the French Ambassadors dated August 15, 1898, which appears in the French "Yellow Book", and attempt to construe the language used therein as an interpretation of the French Minister of the meaning of the Protocol, and speak of the unquestionable moral weight of the testimony therein given by him regarding that instrument. He assured me emphatically and unreservedly that the letter referred to was intended to be simply a brief résumé of the general features of the preliminary peace negotiations carried on between the two belligerents, and that he did not attempt to quote the precise language of the Protocol. He disclaimed any intention of given any views of his own regarding it, having no authority for so doing, and declared that the brief mention contained in his letter could in no wise be construed as an interpretation by him of the terms or meaning of that instrument. He promised that he would at once send to the French Ambassadors the full text of the Protocol in order that they might be informed of its conditions *in extenso* and that there might be no ground for misapprehension as to its terms.

The Minister repeated what he had said several times before, and which I know to be true, that he and his Government had all along observed a strict and impartial neutrality between the two powers which were negotiating, being equally friendly to both, and that he intended to continue the observance of such neutrality.

Very truly yours,

(Signed): HORACE PORTER.

Hon. WILLIAM R. DAY,
President of the American Peace Commission, Paris.

It is stated that the occupation of Manila was to be only temporary. This is undoubtedly true. The Protocol, so far as it relates to the Philippines, is itself provisional. It expressly provides for the doing of certain things pending the conclusion of a treaty which is in this particular to supersede it. Had it provided for the permanent occupation of Manila by the United States, it would have withdrawn the Philippines to that extent from the sphere of future negotiation.

While the terms of surrender cited in the Spanish memorandum, negotiated after the execution of the Protocol and having nothing to do with the negotiations for peace, show the character of this occupation, it is to be noticed that the very paragraph cited from the terms of that document shows that it was equally contemplated that conditions might arise which would require the evacuation by the Spanish forces of the city. In it it is said "the return of the arms surrendered by the Spanish forces shall take place when they evacuate the city or when the American army evacuates it." The commanders of the American and Spanish forces did not undertake to determine the right of either party permanently to hold Manila, but contemplated conditions which might require its evacuation by the forces of either country.

But it is as idle to cite the stipulations of the capitulation for the purpose of determining the meaning of the Protocol as it would be to cite the stipulations of the Protocol for the purpose of determining the meaning of the capitulation. It is notorious that, owing to the interruption of telegraphic communication, Manila was captured and the capitulation arranged and concluded by the commander of the American forces in the Philippines without communication with his Government,

which was at the moment as uninformed of what was taking place at Manila as was its commander of what was taking place at Washington. It is superfluous, therefore, to argue, even if it were material to do so, that the stipulations of the capitulation cannot be invoked in explanation or limitation of the stipulations of the Protocol. For the same reason it is perhaps unnecessary to comment upon the statement that "General Merritt, contrary to what had been agreed upon in Article VI of the same (Protocol), forcibly took possession of Manila". The American Commissioners are loth to assume that the Spanish "proposition" employs these words for the purpose of intimating that General Merritt could at the time of the capture of Manila have had knowledge of the Protocol. It is a fact doubtless well known to the Spanish Government that on the 16th of August last, four days after the signature of the Protocol, and four days before the receipt at Washington of the news of the capture and capitulation of Manila, the Department of State addressed to the French Ambassador a note soliciting the consent of the Spanish Government to the restoration of cable communication between Manila and Hong Kong, in order that continuous telegraphic connection with the Philippines might be reestablished.

It is observed that the Spanish Commissioners in their "proposition" say that the words of the Protocol in relation to the Philippines "have not a clear meaning", but that no matter what construction may be placed upon them, "in no case can their meaning be so stretched as to involve in any way the idea of cession of the sovereignty of Spain over the archipelago", since "such a cession or acquisition *in perpetuum* of the archipelago by the United States, had it been agreed upon in the Protocol, would have been in contradiction with the mere temporary occupation of Manila, which at the same time was agreed upon in the same clause of that instrument". This statement, as well as the paragraph that immediately follows it, merely reiterates the erroneous assumption, to which we have already adverted, that the ultimate demands of the United States in respect of the Philippines were embodied in the Protocol, while, as a matter of fact, the instrument shows upon its face that it was agreed that the formulation of those demands should be postponed till the negotiations for a treaty of peace should be undertaken.

How, then, stands the demand of the Government of the United States for the cession of the Philippine Islands with the concessions which it is willing to make, as set forth in its proposition of the 31st ultimo? This demand might be limited to the single ground of indemnity, but this limitation the American Commissioners do not herein concede. The United States does not now put forward any claim for pecuniary indemnity to cover the enormous cost of the war. It does not take the sovereignty of Cuba; as has been shown in former memoranda submitted by the American Commissioners, it assumes only burdens there. It does demand, and Spain has agreed to cede, the Island of Porto Rico and the small Island of Guam in the Ladrones. What is Spain asked to give up in the Philippines? A country constantly in rebellion against its sovereignty, so that if the United States were to withdraw therefrom to-day, Spain would immediately have to resort to arms to overcome a rebellious and discontented people.

This situation could not be more vividly portrayed than to use the words of the Spanish memorandum in which, after speaking of Spain's neglect of her own welfare to the detriment of her full development, this condition is attributed to "her desire to preferentially attend to her colonies, creatures who, like all others in the order of nature, enlist

the utmost solicitude on the part of their mother, who feeds and supports them at the sacrifice of her welfare".

The American Commissioners note, with some surprise, that the Spanish Commissioners, so soon after having provisionally accepted the American articles as to Cuba and Porto Rico, now return to the question of the so called Cuban debt. They regret to find a position which, under certain reserves, had been distinctly waived, immediately resumed, and now expressed in language rarely employed in diplomacy, unless to convey a deliberate ultimatum. The Spanish Commissioners assume that this debt, for the most part incurred by Spain (not Cuba) in the effort first to subjugate the Cuban insurgents, and subsequently to overcome the United States, has the binding effect of a mortgage upon the very land wrested from Spain through the defeat of this effort. They then say that they cannot even admit any discussion as to the validity and efficacy of such mortgages. In language equally unusual, they continue: "*Let it be understood, therefore, and the Spanish Commissioners hope there will be no necessity to repeat it*, that Spain cannot and ought not to agree in this treaty," etc. Now, since Spain, as lately as in the next to the last paper filed here by her Commissioners did, under reserve, agree in this treaty to waive objections to our articles containing no reference to the so-called Cuban debt, the American Commissioners feel themselves justified in inquiring distinctly whether this sudden change of position is final? Do the Spanish Commissioners wish it to be understood now, without any necessity for repetition, that they will accept no treaty which does not provide for an assumption of this so-called Cuban debt, or for some part of it, by the United States, for itself or for Cuba?

The American Commissioners observe also the declaration that the dignity and self-respect of Spain forbid an inquiry into the use Spain may have made of the proceeds of these loans. Now—to consider only a single aspect of the issue thus raised—it is not denied that the proceeds of a part of these loans were employed directly in making war upon the United States. Is it to be understood that the United States, after succeeding in the war, is forbidden to take notice even of this fact? That would be to require the successful nation to pay the war expenses of the defeated nation. Is it an acceptance, without inquiry, of this part of the so-called Cuban debt, that the Spanish Commissioners declare is demanded by the dignity and self-respect of Spain—which they wish therefore to have now understood, and which they hope there will be no necessity to repeat?

The American Commissioners do not here examine the statements that these debts were legally created, that they may have been legally acquired by individuals of various nationalities, or that Spain is not the proprietor of these rights of third parties. They do question the statement that Spain does not demand the recognition of these so-called "secured debts" for her own benefit. They are bonds of the Spanish nation, guaranteed by the faith of the Spanish nation, with another guarantee (which might more properly have been called a "subsidiary" one), pledging Spanish sovereignty and control over certain Spanish colonial revenues. Spain has failed to maintain her sovereignty and control over these revenues, and is bound to the third parties with whom she dealt for that failure to make good her title to the security she pledged. The third parties knew what it was pledged for—the continuous effort to put down a people struggling for freedom from the Spanish rule. They took the obvious chances of their investment on so precarious a security, but they must have relied

on the broad guarantee of the Spanish nation. It is not for us to deny that "the most elementary duties of public and private probity" justify that reliance, but we do deny, emphatically, that they require the freed people, or anyone acting for them, to pay the cost of all the efforts for their subjugation. To admit that such costs could be attached ineradicably to the soil they lived on, is to put it in the power of any unjust ruler to condemn a colony to perpetual subjugation and misgovernment by simply loading it with so-called "mortgages" for loans effected without their consent by their oppressors, till it can neither bear them itself nor find anyone else to assume them. That would be a conclusion alike repugnant to common sense and menacing to liberty and civilization.

After reviewing in their "proposition" the provisions of the Protocol, the Spanish Commissioners proceed to inquire whether there is any other "title", not founded on that agreement, upon which the demand for the cession of the group can be supported. Under this head they discuss the capture of Manila by the American forces, and, after concluding that the capitulation was invalid, they declare that the treaty of peace should provide for the immediate delivery of the place to the Spanish Government, the immediate release of the Spanish garrison, and the performance of various acts which imply that the military occupation and government of the city by the United States has been illegal.

These startling pretentions require at the hands of the American Commissioners a comprehensive examination.

On the 22nd of July, 1898, the Government of Spain, impelled by and admitting the adverse results of the war, made representations to the President of the United States by written communication of its Minister of Foreign Affairs, transmitted through the Ambassador of France at Washington, to the expressed end that "the calamities already so great" and "evils still greater" to the two countries might "be terminated otherwise than by force of arms". The response of the President, through Mr. Day, Secretary of State, to this communication was made July 30, 1898, and was in part as follows:

The President therefore responding to your Excellency's request will state the terms of peace which will be accepted by him at the present time, subject to the approval of the Senate of the United States hereafter.

Your Excellency in discussing the subject of Cuba intimates that Spain has desired to spare the island the dangers of premature independence. The Government of the United States has not shared the apprehensions of Spain in this regard, but it recognizes the fact that in the distracted and prostrate condition of the island, aid and guidance will be necessary, and these it is prepared to give.

The United States will require:

First. The relinquishment by Spain of all claim of sovereignty over or title to Cuba and her immediate evacuation of the island.

Second. The President, desirous of exhibiting signal generosity, will not now put forward any demand for pecuniary indemnity. Nevertheless, he cannot be insensible to the losses and expenses of the United States incident to the war or to the claims of our citizens for injuries to their persons and property during the late insurrection in Cuba. He must, therefore, require the cession to the United States and the immediate evacuation by Spain of the Island of Porto Rico and other islands now under the sovereignty of Spain in the West Indies, and also the cession of an island in the Ladrones, to be selected by the United States.

Third. On similar grounds, the United States is entitled to occupy and will hold the city, bay, and harbor of Manila pending the conclusion of a treaty of peace which shall determine the control, disposition and government of the Philippines.

If the terms hereby offered are accepted in their entirety, Commissioners will be named by the United States to meet similarly authorized Commissioners on the part of Spain for the purpose of settling the details of the treaty of peace and signing and delivering it under the terms above indicated.

The negotiations thus entered into were followed by the Protocol of agreement between the United States and Spain signed at Washington August 12, 1898, by which it was provided:

ARTICLE I.

Spain will relinquish all claim of sovereignty over and title to Cuba.

ARTICLE II.

Spain will cede to the United States the Island of Porto Rico and other islands now under Spanish sovereignty in the West Indies, and also an island in the Ladrones to be selected by the United States.

ARTICLE III.

The United States will occupy and hold the city, bay and harbor of Manila, pending the conclusion of a treaty of peace which shall determine the control, disposition and government of the Philippines.

Article IV of that instrument obligated Spain to the immediate evacuation of Cuba, Porto Rico and the other islands under Spanish sovereignty in the West Indies, and provided for the appointment by each government, within ten days of the above date, of Commissioners who should meet at Havana in Cuba and at San Juan in Porto Rico within thirty days after such date for the purpose of arranging and carrying out the details of such evacuation.

By Article V of the Protocol, the Contracting Parties agreed to appoint each not more than five Commissioners to treat of peace, who should meet at Paris not later than October 1, 1898, and proceed to the negotiation and conclusion of a treaty of peace. Article VI of the Protocol is as follows:

Upon the conclusion and signing of this Protocol, hostilities between the two countries shall be suspended, and notice to that effect shall be given as soon as possible by each Government to the commanders of its military and naval forces.

Before the notice provided for in Article VI could possibly be given, and on the 13th day of August, 1898, the next day after its signature, the American land and naval forces at Manila attacked that city and, upon the 14th of August, 1898, compelled its surrender under the terms of a military capitulation, which comprehended not only the surrender and occupation of the city, but also the surrender of its garrison, being from 9,000 to 11,000 troops in number, and comprising substantially the entire Spanish military force in the Philippine Islands. The United States thereupon, having previously for a long time been in possession of the bay and harbor of Manila, took military possession of that city, and has ever since been in military occupation thereof, administering its government concerns in the manner usual in such cases. In so doing, the United States took possession of the public property of Spain situate in Manila, including certain moneys due to that Government which had been collected as revenues; proceeded to administer, collect and expend the taxes and customs of that port, and also to take charge of and administer the police government of the city; and generally continued to exercise over the city, harbor and bay the rights and powers of a belligerent in rightful military occupancy.

It is now contended by Spain, who also, as a part of that contention, rejects the articles tendered by the United States for the cession to that Government of the Philippine Archipelago, that such occupation and acts were in violation of the Protocol, and that, for that reason, she is entitled:

1. To the immediate delivery of the place (Manila) to the Spanish Government;

2. The immediate release of the garrison of the same;

3. The return to the Spanish Government of all the funds and public property taken by the American army since its occupation of the place, and all the taxes of every kind collected or to be collected up to the time of returning the same;

4. The recognition of the obligation on the part of the United States to indemnify Spain for alleged serious damage occasioned by the detention as prisoners of her troops, to which detention it is alleged is due the spread with impunity of the Tagalo insurrection in Luzon and its invasion of the Vizayan islands, and, moreover, because to the same has been due the alleged ill-treatment of thousands of Spanish prisoners, military and civil.

In the dilatory assertion of these extraordinary claims the Spanish Commissioners have at times repudiated and at other times have appealed to and claimed rights under the stipulations of a convention entered into between Spain and the United States, by and under which the rights, duties, liabilities and status of the contracting parties were explicitly settled. That convention is the Protocol of August 12, 1898.

It is contended by the American Commissioners that an establishment of the *status quo* provided for by that Protocol, and comprehended within its intent and meaning upon a fair construction of its terms, is the only demand that Spain can, upon her own theory, make in the premises, even if it is hypothetically conceded, for the mere purposes of this branch of the discussion, that the legal propositions which she advances are at all applicable to the alleged breach of the armistice. For the United States insists and has always insisted (except hypothetically as stated above and merely for purposes of this argument) that the military operations by which Manila was captured were justifiable and lawful. The *status quo* is the right of the United States to occupy and hold the city, harbor and bay of Manila pending the conclusion of a treaty of peace which shall determine the control, disposition and government of the Philippines. That condition exists. The United States does so hold such territory. It has been so conceded and insisted by Spain in correspondence which will be particularly considered in another portion of this paper. That occupancy is referable to, and is justified by, the Protocol, and cannot be defeated by the alleged illegality of hostilities. To so invalidate it, it will be necessary for Spain to denounce and repudiate the Protocol in all its parts, including, of course, the authority under which this Commission is proceeding and the stipulation for an armistice, and thus produce a renewal of active war, as we shall elsewhere more fully demonstrate.

It is maintained by the American Commissioners that all and singular the acts done after the surrender of Manila and complained of by Spain were and are rightful acts under the Protocol itself; that they would have been rightful if no naval or military operations whatever had been conducted against that city after the signature thereof, and that their rightfulness is not impaired by such hostile operations.

The Protocol presents two features: One, general in its character, pertaining to negotiations for peace; the other, subordinate and special in its provisions, pertaining to the capitulation of the city of Manila and its bay and harbor, but which is also an inseparable part and parcel of the stipulations and processes by which a treaty of peace is to be effected.

The second of these features presents a case of the military capitulation of a certain defined territory, to be occupied and held by the United States "pending the conclusion of a treaty of peace which shall

determine the control, disposition and government of the Philippines". This stipulation is sometimes ignored and sometimes relied upon by the Spanish Commissioners to meet the various exigencies of their argument.

The Spanish Commissioners are entirely correct in treating this particular stipulation of the Protocol (as they do in one branch of their argument) as a military convention providing for a capitulation, and in citing (as they do) the laws of war applicable to military occupancy of a conquered or surrendered portion of the territory of one of the belligerents. If, therefore, as the American Commissioners contend, the acts complained of, and for which Spain now demands reparation, were rightful acts under the Protocol, and could rightfully have been done by that Government if no hostilities whatever had been conducted against Manila after its signature, the entire contention of Spain for reparation on account of those acts fails. The Protocol, as respects the occupation by the United States of the city of Manila and its bay and harbor, was, as we have observed, a military convention for the capitulation of certain territory therein specifically defined. When executed by the United States taking possession it presented a case of military occupation of that certain defined territory, and vested in that Government all the rights which the laws of war give to a military occupancy. This capitulation was general in its character and terms. It comprehended the defined territory and all that it contained, including the forts, the munitions of war, the barracks. It included every thing and every person left in the city by Spain. It included the garrison for that reason. Under the special circumstances of the case the surrender of the garrison was necessarily contemplated by the Protocol. The city was closely besieged on the land side by the insurgents. It was in extremity for provisions and the insurgents controlled the water supply. The Spanish forces had been unable to raise the siege, and therefore could not escape from the city on the land side. The city was blockaded by the American fleet; the fleet of Spain had been destroyed and there was no escape for her troops by water. The conditions were such that even if an escape could have been effected by land or sea, the forces of Spain would have had no base whatever for any military operations. So clearly was this the situation that the Spanish Commander-in-Chief fled from the city shortly before it was attacked, took refuge on a neutral man-of-war, and was conveyed by it to Hong Kong. Had it been intended that the garrison should be permitted to depart from the capitulated city, the usual provision would have been made that it should march out with its arms and with the honors of war. Containing no such provision, the exaction that the Spanish troops should surrender to the occupying power was as justifiable and legal under the Protocol as was the taking possession by that power of the forts, barracks and munitions of war. Consequently, no rightful claim whatever against the United States can be made that afterwards it refused to permit the capitulated army to resume its arms and proceed beyond the limits of the capitulated territory as an organized military force for the purpose of suppressing the Tagalo insurrection, or for any military purpose whatsoever. That this has always been the position of the United States upon this question plainly appears from the diplomatic correspondence between the two Governments, and particularly in the letter of the Secretary of State to Mr. Cambon dated September 16, 1898. The argument which would sustain the right of Spain to the release of her army would, with equal cogency, support a claim on her part to have delivered up to

her for the same purpose a ship of war that might have been included in the capitulation, and all the munitions of war which came into the possession of the United States under and by virtue of its stipulated right of occupancy. In all cases where, pending war, a certain defined part of the territory of one of the belligerents is by the terms of a military convention, agreed to be put in the military occupation and possession of the other belligerent, the sovereignty of the occupying party (the United States in the present instance) displaces or suspends the sovereignty of the other belligerent and becomes for the purposes of the military occupation a substitute for it.

It is not necessary to multiply citations of the many authorities which sustain this proposition. General Halleck's work on International Law has been invoked by the Spanish Commissioners and the citations in this paper will be limited to that work, observing that they are made from the chapter which treats of the rights of military occupation during war as contradistinguished from the rights of a complete conquest.

"Capitulations are agreements entered into by a commanding officer for the surrender of his army, or by the governor of a town, or a fortress, or particular district of country, to surrender it into the hands of the enemy." (Halleck, Vol. II, p. 319.)

"It follows, then, that the rights of military occupation extend over the enemy's territory only so far as the inhabitants are vanquished or reduced to submission to the rule of the conqueror. Thus, if a fort, town, city, harbor, island, province, or particular section of country belonging to one belligerent, is forced to submit to the arms of the other, such place or territory instantly becomes a conquest, and is subject to the laws which the conqueror may impose on it; although he has not yet acquired the *plenum dominium et utile*, he has the temporary right of possession and government." (Halleck, Vol. II, p. 434.)

To consider more specifically the claims advanced by the Spanish Commissioners:

The first is, that Spain "is entitled to the immediate delivery of the place (Manila) to the Spanish Government."

To do this would contravene the provisions of the Protocol by which it is agreed that "the United States will occupy and hold the city, bay and harbor of Manila pending the conclusion of a treaty of peace," which treaty the two Commissions have been negotiating ever since October 1, 1898. They are negotiating under the Protocol. That instrument is an entirety. Neither party, having entered into it and continued the negotiations for which it provides to a date more than two months after the acts were done of which Spain now complains, can now allege such acts as grounds for the rejection of the obligations of that instrument.

If any right of repudiation ever existed, it should have been asserted in due time as against the entire instrument and all of its provisions. This has never been attempted. On the contrary, the contracting parties have proceeded to negotiate, agree, and perform under the requirements of that instrument.

By so doing, Spain has waived the alleged breaches of the Protocol which she now advances.

The second demand is for the immediate release of the garrison of Manila. We show in another place that this garrison was, under the facts and circumstances, necessarily included in the capitulation provided for by the Protocol.

The third demand is for the return to the Spanish Government of all funds and public property taken by the American army since its

occupation of the place (Manila) and all taxes of every kind, collected or to be collected.

We have maintained in another portion of this paper that the occupation of Manila is justly referable to the Protocol; that that instrument is a military capitulation; that the effect of the occupancy by the United States was to suspend the sovereignty of Spain in the territory so occupied, and to substitute for the purposes of military occupation the sovereignty of the United States. It follows upon principle and authority from these considerations that the United States had the right to take the public property, and to collect the taxes demanded, and has the right to retain the same.

"Political laws, as a general rule, are suspended during the military occupation of a conquered territory. The political connection between the people of such territory and the state to which they belong is not entirely severed, but is interrupted or suspended so long as the occupation continues. Their lands and immovable property are, therefore, not subject to the taxes, rents, etc., usually paid to the former sovereign. These, as we have said elsewhere, belong of right to the conqueror, and he may demand and receive their payment to himself. They are a part of the spoils of war, and the people of the captured province or town can no more pay them to the former government than they can contribute funds or military munitions to assist that government to prosecute the war. To do so would be a breach of the implied conditions under which the people of a conquered territory are allowed to enjoy their private property, and to pursue their ordinary occupations, and would render the offender liable to punishment. They are subject to the laws of the conqueror, and not to the orders of the displaced government. Of lands and immovable property belonging to the conquered state, the conqueror has, by the rights of war, acquired the use so long as he holds them. The fruits, rents and profits are therefore his, and he may lawfully claim and receive them. Any contracts or agreements, however, which he may make with individuals farming out such property, will continue only so long as he retains control of them, and will cease on their restoration to, or recovery by, their former owner." (Halleck, Vol. II, p. 437.)

"During the war of 1812 the city and harbor of Castine, a port of the United States, was taken and occupied by the British forces: their commander proceeded to levy and collect customs duties. The question of his right to do so and the suspension of the sovereignty of the United States was afterwards adjudicated by the Supreme Court.

"'By the conquest and military occupation of Castine,' says the Supreme Court, 'the enemy acquired that firm possession which enabled him to exercise the fullest rights of sovereignty over that place. The sovereignty of the United States over the territory was, of course, suspended, and the laws of the United States could no longer be rightfully enforced there, or be obligatory upon the inhabitants who remained and submitted to the conquerors. By the surrender, the inhabitants passed under a temporary allegiance to the British Government, and were bound by such laws, and such only, as it chose to recognize and impose. From the nature of the case, no other laws could be obligatory upon them; for where there is no protection or allegiance or sovereignty there can be no claim to obedience. Castine was, therefore, during this period, so far as respected our revenue laws, to be deemed a foreign port, and goods imported into it by the inhabitants were subject to such duties only as the British Gov-

ernment chose to require. Such goods were in no correct sense imported into the United States.'" (Halleck, Vol. II, p. 446–447.)

"The moneys derived from these sources may be used for the support of the government of the conquered territory, or for the expenses of the war." (Halleck, Vol. II, p. 447.)

"Those who are permitted to hold commercial intercourse with such territory, whether they be subjects of the conqueror, or of foreign States, must conform to the regulations, and pay the duties established by the conquering power; and, in case of conquest by the United States, the President, in the absence of legislative enactments, exercises this power." (Halleck, Vol. II, p. 446.)

"We will next consider the effect of a military occupation of a State upon debts owing to its government. Does such conquest of the state carry with it the incorporeal rights of the State, such as debts, etc.? In other words, do these rights so attach themselves to the territory that the military possession of the latter carries with it the right to possess the former? There are two distinct cases here to be considered: First, where the *imperium* of the conqueror is established over the *whole* State (*victoria universalis*); and, second, where it is established over only a *part*, as the capital, a province, or a colony (*victoria particularis*). As has already been stated, all rights of military occupation arise from *actual* possession, and not from constructive conquests; they are *de facto*, and not *de jure* rights. Hence, by conquest of a part of a country, the government of that country, or the *State*, is not in the possession of the conqueror, and he, therefore, cannot claim the incorporeal rights which attach to the whole country as a *State*. But, by the military possession of a part, he will acquire the same claim to the incorporeal rights which attach to that part, as he would, by the military occupation of the whole, acquire to those which attach to the whole. We must also distinguish with respect to the situations of the debts, or rather the locality of the debtors from whom they are owing, whether in the conquered country, in that of the conqueror, or in that of a neutral. If situated in the conquered territory, or in that of the conqueror, there is no doubt but that the conqueror may, by the rights of military occupation, enforce the collection of debts actually due to the displaced government, for the *de facto* government has, in this respect, all the powers of that which preceded it." (Halleck, Vol. II, p. 461.)

In other particulars Spain has not only waived any right to insist that the hostilities at Manila were in violation of the Protocol, but has acted upon the assumption that they were not such acts of violation.

On August 15, 1898, the French Ambassador, acting for Spain, in a letter of that date, addressed to the Secretary of State, inquired as follows: "May the postal service by Spanish steamers be reestablished between Spain and Cuba, Porto Rico, Philippines?"

"Will Spanish merchants be permitted to send supplies in Spanish bottoms to Cuba, Porto Rico, Philippines?"

To these inquiries the Department of State answered by letter dated August 17, 1898, that:

"1. This Government will interpose no obstacle to the reestablishment of the postal service by Spanish steamers between Spain on the one side and Cuba, Porto Rico and the Philippines on the other.

"2. The United States will not object to the importation of supplies in Spanish bottoms to Cuba and the Philippines, but it has been decided to reserve the importation of supplies from the United States to Porto Rico to American vessels."

Though it is probable that both of these communications were written before notice of the capture of Manila had been received, yet it is believed that Spain has, down to the present time, availed herself of the privileges thus solicited and granted.

On August 29, 1898, the French Ambassador, acting for Spain, by letter of that date, addressed to the Secretary of State, suggested that "the Spanish troops, *whom the capitulation of the city of Manila* has reduced to inaction, might be placed at once at the disposal of Spain, who would use them for the defense of the islands against the insurgents.

"The Minister of State at Madrid thinks that, if the United States Government sees any objection to this arrangement, it will, at least, have no reason to oppose the despatch of troops directly from the Peninsula to the Philippines."

To this letter the Department of State made answer under date of September 5, 1898, and observed, among things:

"In your informal note of the 29th ultimo it is stated that the Spanish Government suggests that, for the purpose of checking insurgent hostilities, the Spanish troops now held as prisoners of war by the American forces may be placed at the disposal of Spain, to be used against the insurgents; or, if this be objected to, that the Spanish Government may be allowed to send troops from the Peninsula to the Philippines. It can scarcely be expected that this Government would even consider the question of adopting the first alternative, in view of the fact that for some time before the surrender of Manila the Spanish forces in that city were besieged by the insurgents by land while the port was blockaded by the forces of the United States by sea."

It seems impossible to conceive that the correspondence from which the above quotations have been made could have taken place except upon the basis of the opinion then entertained both by the United States and Spain, that the possession by the former power of the City of Manila, and the surrender to it of the Spanish forces were either lawful *ab initio*, or had become lawful by acquiescence and waiver by Spain, and that nothing had been done or required by the United States that was not warranted by the terms of the Protocol respecting the occupation by that Government of the city, harbor and bay of Manila.

And, on the 11th day of September, 1898, the Ambassador of France, acting for Spain, in a letter of that date to the Secretary of State, distinctly stated that "the Spanish Government is of opinion that the occupation by the American forces of the city, bay and harbor of Manila must be considered in virtue of the Protocol of August 12, and not in virtue of what was agreed to in the capitulation of the 14th of the same month, which is absolutely null by reason of its having been concluded after the belligerents had signed an agreement declaring the hostilities to be suspended."

Considering together these requests and concessions, and particularly the explicit admission above quoted, it seems a feat of forensic and dialectic hardihood to assert now that the military occupation by the United States of the City of Manila is void under the Protocol, and that, for that reason, the city ought to be delivered up to Spain, its garrison liberated, its forts, barracks, and munitions returned, the moneys collected paid back to Spain, and the United States to be mulcted in damages for the military operations of the insurgents.

And, considering from altogether another point of view the claim that, since Manila was actually captured a few hours after the Protocol was signed on the other side of the globe instead of a few hours before,

it should be returned, the thought might occur to a just and impartial mind to remember why it was not captured earlier. The world knows that the attack was only delayed to protect the city and its Spanish inhabitants from the dreaded vengeance of the insurgents. It would be extraordinary if this act of humanity should now be claimed by the beneficiary as the sole reason for depriving the benefactor of his victory.

It might further occur to a just and impartial mind that the General and the Admiral commanding, to whom that humane delay was due, were entitled to a more generous recognition of perfectly well known facts than is implied in the statements of the Spanish Commissioners that "in spite of this (the signature of the Protocol) General Merritt and the Admiral of the fleet demanded the surrender of the place, etc. * * * opened fire, * * * unnecessarily causing a considerable number of losses to the Spanish forces;" and again that "General Merritt and the Admiral of the squadron *may not* be personally responsible for the blood they unnecessarily shed on the 13th, *if* they had no official notice then of the Protocol which had been signed on the previous day in Washington". The American Commissioners have too high an estimate of the chivalric honor of the Spanish people to accept that as the final record Spain would wish to make of this incident.

The American Commissioners for the various reasons hereinbefore stated are constrained to reject the several demands embodied in the "proposition" to which the present paper is an answer.

True copy:

JOHN B. MOORE.

PROTOCOL No. 14.

Conference of November 16, 1898.

The conference having been postponed at the request of the Spanish Commissioners, in order that they might have an opportunity to prepare a reply to the paper presented by the American Commissioners at the last session, it was decided to meet on the 16th of November, at two o'clock, p. m., at which hour there were

Present: On the part of the United States: Messrs: Day, Davis, Frye, Gray, Reid, Moore, Fergusson.

On the part of Spain: Messrs: Montero Rios, Abarzuza, Garnica, Villa-Urrutia, Cerero, Ojeda.

The protocol of the preceding session was read and approved.

The Spanish Commissioners presented their answer, copy and

PROTOCOLO No. 14.

Conferencia del 16 de Noviembre de 1898.

Los Comisarios españoles en virtud de lo acordado en la sesión anterior respecto del aplazamiento de la próxima conferencia para una fecha posterior á la fijada, solicitaron une prórroga para presentar su contestación al Memorandum que en la última sesión presentaron los Comisarios Americanos y habiéndose fijado de común acuerdo el día 16 á las 2 P. M. para la reunión de ambas Comisiones, se hallan en dicho día y hora

Presentes Por parte de los Estados Unidos de América los Señores Day, Davis, Frye, Gray, Reid, Moore, Fergusson.

Por parte de España. los Señores Montero Ríos, Abarzuza, Garnica, Villa-Urrutia, Cerero, Ojeda.

Fué leída y aprobada el acta de la sesión anterior.

Los Comisarios Españoles presentan la contestación al Memoran-

translation of which are annexed to this protocol, to the American Memorandum relating to the Philippine Islands, and in so doing the President of the Spanish Commission stated that the document, besides being an answer to the American Memorandum, was also a Memorandum in support of the last proposition presented by the Spanish Commissioners; and he called attention to the concluding part, wherein a motion or proposition was made with reference to the contingency that the American Commissioners should think that they must insist upon their former proposal on the Philippines.

The American Commissioners asked that the final part of the Memorandum, to which the President of the Spanish Commission referred, be read, and it was orally translated into English by their Interpreter.

The American Commissioners moved that, in order that the whole paper might be carefully translated and attentively examined, the conference be adjourned till Saturday, November 19, at two o'clock, p. m., without prejudice to asking for a postponement if necessary.

The Spanish Commissioners expressed their assent to this motion, and it was therefore decided that the next conference should be held on Saturday, the 19th instant, at two o'clock, p. m.

WILLIAM R. DAY
CUSHMAN K. DAVIS
WM P FRYE
GEO. GRAY
WHITELAW REID.
JOHN B. MOORE.

dum Americano, que es anexa al acta prēsente, relativo á las Islas Filipinas, y al hacerlo, el Presidente de la Comisión Española, manifiesta que dicho documento á la vez que contesta al Americano, es asimismo un Memorandum en apoyo de la última proposición presentada por los Comisarios Españoles, y llama la atención sobre su última parte en que se hace una moción ó proposición para el caso en que los Comisarios Americanos crean deber insistir en su anterior proposición sobre Filipinas.

Los Comisarios Americanos piden que sea leida la última parte del Memorandum á que se refiere el Presidente de la Comisión Española, y esta es vertida verbalmente al inglés por su intérprete.

Los Comisarios Americanos manifiestan que considerando que es necesario traducir con esmero y enterarse atentamente de dicho documento, proponen el aplazamiento de la sesión hasta el Sábado á las 2 de la tarde, sin perjuicio de pedir una prórroga si lo estimasen necessario.

Los Comisarios españoles manifiestan su asentimiento, y queda por tanto fijada la próxima conferencia para el sábado 19 á las 2 P. M.

E. MONTERO RÍOS
B. DE ABARZUZA
J. DE GARNICA
W R DE VILLA-URRUTIA
RAFAEL CERERO
EMILIO DE OJEDA

ANNEX TO PROTOCOL NO. 14.

COMISION PARA LA NEGOCIACION DE LA PAZ CON LOS ESTADOS UNIDOS.

[Presentado en la sesion del dia 16 de Noviembre 1898. (14ª conferencia.)]

El último escrito presentado por la Comision Americana tiene un doble objeto. Por una parte es el Memorandum que presento en apoyo de su proposicion de 31 de Octubre último, pidiendo la cesión de las Islas

Filipinas á los Estados Unidos. Y por la otra es la exposición de las razones que tiene la Comisión Americana para no admitir la proposicion española de 4 de este mes, en que la invitaba á que presentase una cuyo objeto fuera el cumplimiento de lo convenido en los Artículos 3 y 6 del Protocolo de Washington.

Por lo que hace al primer objeto sobre que versa el Memorandum Americano, la Comisión Española se dedicará primeramente en este á replicar á su contenido. Y por lo que hace á la segunda parte, aquella insistirá en la forma de Memorandum reglamentario en la exposición de las razones que abonan su proposición rechazada.

RÉPLICA AL MEMORANDUM AMERICANO.

Razones de método y el deseo de reducir las proporciones de este escrito, inclinan á los Comisarios Españoles á ocuparse primeramente del punto relativo á las deudas hipotecarias de las colonias de España, que, aunque de capital importancia, no hubieran vuelto á controvertir en esta parte de la discusión del tratado, si no apareciera nuevamente promovido por la Comisión Americana en el último párrafo de su proposición, pidiendo la cesión del Archipiélago Filipino.

Reconoce la Comisión Española la dificultad que siente para contestar á esta parte del Memorandum Americano, debida esta dificultad á los graves errores de hecho de que aquella está sembrada, y tambien á las extrañas doctrinas jurídicas que allí campean.

Ante todo necesita la Comisión Española hacer constar que en su documento no entiende haber empleado lenguage, ni siquiera frases impropias de una discusión diplomática. Celosa de las consideraciones á que tiene derecho, empieza por guardar religiosamente las que corresponden á los demás, y, en sus documentos evita con el mayor cuidado toda frase que pueda ser personalmente desagradable á quien vaya dirigida, y con mucha mas razón, las que pudieran reputarse ofensivas á quienes están, y tienen derecho á estar, al amparo de las personas con quienes los Comisarios Españoles tengan que discutir.

Los Comisarios Americanos dicen que notaron con sorpresa que los Españoles, después de haber aceptado provisionalmente los artículos que aquellos habían propuesto sobre Cuba y Puerto Rico, vuelven ahora á suscitar la cuestión de la deuda cubana, planteando de nuevo un tema *que bajo ciertas reserras había sido terminantemente abandonado.* Y no satisfechos con tan rotundas afirmaciones añadieron que la Comisión Española en su contestación escrita presentada en la sesión de 26 de Octubre, *había retirado* sus observaciones anteriores á los artículos de la Comisión Americana.

Por lo que hace á esta supuesta *retirada*, invitamos á nuestros dignos colegas de América á que, buscando con todo detenimiento las frases de nuestra contestación escrita, en que aquella conste, se sirvan citarlas, pues entre tanto y siempre nosotros hemos de afirmar de un modo rotundo, que en nuestro documento no existen tales frases, resultando de él por lo contrario que nada teníamos que retirar, puesto que sosteníamos nuestras afirmaciones, aunque subordinando su sostenimiento en lo futuro á las conveniencias de España. En efecto, como prueba de lo que acabamos de decir y como suficiente contestación á las frases de la Comisión Americana, basta transcribir aquí las en que consta aquella supuesta *aceptación provisional y aquel terminante abandono* del tema sobre la mencionada deuda. "Los Comisarios Españoles contestan á la sobredicha pregunta (que es la que por escrito les había hecho la Comisión Americana en la reunión del dia 24 Octubre) y dicen que, afirmando sus conviccion de que con arreglo á derecho, las obligaciones

coloniales de Cuba y Puerto Rico deben pasar con estas islas y su soberanía, *no rehusan tomar en consideración cualquier otro artículo relativo á Cuba y Puerto Rico que no contenga la cláusula de asumir las cargas por los Estados Unidos ó por Cuba ó por ambos*" (estas eran las propias palabras de la pregunta á que contestaban), "subordinando la definitiva aprobación de tal artículo á la de los demás que hayan de formar la totalidad del Tratado, etc." Y entre las razones que por escrito consignaron para dar esta contestación, está la que allí se expresa con las siguientes frases "Considerando que no habiendo de elaborarse este Tratado, como nunca se ha elaborado ni puede elaborarse ninguno, con el único criterio de la rigurosa justicia que cada una de las partes pueda entender que le asista, sino también con el de la conveniencia de cada una de ellas y aún de ambas para modificar á su tenor las exigencias del criterio meramente jurídico, y que por consiguiente sobre la cuestión relativa á la deuda de Cuba los Comisarios Españoles que entienden que el rigor del derecho la resuelve á su favor, tienen el deber y están dispuestos á cumplirlo, de moderar este rigor por las conveniencias que para España puedan surgir de otras estipulaciones del Tratado, que sin ser perjudiciales á los Estados Unidos, puedan ser favorables á España".

Parece bien claro que el supuesto abandono de que ahora se habla en el Memorandum Americano y la supuesta aceptación de los artículos relativos á Cuba y Puerto Rico, estaba limitada al caso en que la Comisión española entendiera que en los demás que se fueran discutiendo y aprobando, hubiese para España ventajas que, á su juicio, la compensaran de un sacrificio mayor ó menor de su derecho sobre las deudas, puesto que, si tales ventajas no se ofrecían, no tendría la Comisión Española razon para hacer ninguno; y por lo tanto, claro es que podría insistir en el reconocimiento de su derecho.

Pues bien, ¿ qué ventajas desde entonces se han ofrecido á España, hasta este momento, en el curso de las conferencias?

Desde aquella fecha los trabajos del Tratado no adelantaron mas que un paso, y este ha consistido en pedir á España, sin alegar razon alguna en pro de tal petición cuando se hizo, que ceda á los Estados Unidos el Archipiélago de Filipinas. ¿ Entiende la Comisión Americana que esta cesión es una ventaja para España? Sus Comisionados no se sorprenderían al oir una contestación en sentido afirmativo, que ya hacen prever ciertas frases consignadas en el Memorandum á que contestan. No necesitan decir que no participan de esa opinion.

Hubiera, pues, estado la Comisión Española en su derecho, volviendo á insistir no de un modo incidental, sino directo y principal, en sus reclamaciones sobre la transmisión de las deudas y obligaciones coloniales. No lo han hecho, ni se proponen hacerlo ahora, mas esto no ha obstado ni obsta á que no deje pasar en silencio supuestos y afirmaciones, siquiera para que no llegue un día en que se diga que habían sido por ella consentidas porque no las había controvertido, negándolas expresamente su asentimiento.

Afirma la Comisión Americana que España contrajo (no dice que haya invertido la deuda anteriormente contraida) la mayor parte de la deuda hipotecaria de cuba "*en su esfuerzo primero para subyugar á los insurrectos cubanos, y luego para oponerse á los Estados Unidos*, y discurriendo sobre el mismo tema, añade, que "no se ha negado que parte del importe de estos empréstitos se invirtió directamente en hacer la guerra á los Estados Unidos." Para hacer tales afirmaciones es indispensable suponer que se ignoran las fechas de la creación de tales deudas. La una fué emitida por Real Decreto de 10 de Mayo de 1886, es decir, ocho años después de establecida la paz en Cuba, y nueve antes de que, por

las sugestiones y medios que ya son del dominio público, hubiera vuelto á perturbarse. La segunda emisión se hizo por Real Decreto de 27 de Setiembre de 1890, es decir, doce años después que reinaba una paz completa en Cuba y se hallaba esta isla en el apogeo de su prosperidad, y cinco años antes que hubiese comenzado su desolación por la nueva rebelión que allí, mas ó menos espontaneamente surgió. Y en los dos Decretos se dice además cuales eran las causas que provocaban estas emisiones, y los gastos en cuya satisfacción se había de invertir su importe, figurando entre los principales el pago de los *déficit* de los presupuestos anteriores y posteriores de la isla, los cuales bien sabido es que eran debidos á la gran rebaja que en sus impuestos había hecho la Metrópoli.

¿ Querrá decirse que esta, por un don sobrenatural de adivinación, sabía en 1886 y 1890 que en 1895 había de reproducirse la insurrección de Cuba, y en 1898 los Estados Unidos le habían de dispensar su protección armada? Pues, solamente en tal hipótesis podría admitirse la exactitud de las frases que se leen en el Memorandum Americano. Y por lo que hace á los gastos que á España ocasionó la guerra de los Estados Unidos, sin duda su Comisión ignora que en 20 de Abril de este año, en que comenzaron las hostilidades, el Tesoro Español aún estaba realizando las operaciones que, en forma de obligaciones con la garantía especial de las Aduanas de la Península, había acordado hacer en 1896 y 1897 por mil millones de pesetas, y otra por doscientos veinte y tres millones de pesetas, acordada en 2 de Abril de 1898 con la garantía especial de las rentas del tobaco y timbre del Estado y la del impuesto de consumos de España, y que, en fin, para la atención especial de la guerra con los Estados Unidos, se había acordado además emitir por Real Decreto de 31 de Mayo de este año, deuda perpetua interior al 4 per cent por valor de mil millones de pesetas de las cuales fueron inmediatamente negociadas 806,785,000. Después de estos datos, es de suponer que la Comisión Americana no habrá de insistir en la afirmación tan sin fundamento aventurada en su Memorandum, por comprender que los gastos de la guerra con los Estados Unidos nada tienen que ver con la deuda hipotecaria colonial de Cuba.

Una vez más la Comisión Americana expone en su último Memorandum la extraña teoría de que las colonias Españolas no tienen obligación de pagar la deuda contraída por la Metrópoli para sofocar la rebelión de pocos ó muchos de sus habitantes. Pero esta vez llegan hasta el punto de poner tan singular teoría al *amparo del sentido común*, afirmando que la contraria es una amenaza para la libertad y la civilización.

Ah! si los colonos y los ciudadanos de la Gran República hubiesen alegado para justificar una rebeldía, ó en lo futuro alegasen en caso igual de que aquel poderoso Estado no está ciertamente exento, una teoría semejante, ¿ la hubiera admitido y la admitirá el Gobierno Americano? Lo que no el sentido común, sino el sentido moral reprueba, es que se intente poner toda rebelión contra los poderes legítimos al amparo de la libertad y de la civilización. ¿ Era ó no España soberana legítima de Cuba cuando surgió la primera insurrección y durante toda la segunda? ¿ Se ha atrevido nadie á negar ni á poner en duda siquiera, la soberanía de España sobre aquella isla en el tiempo á que nos estamos refiriendo? ¿ No fueron los mismos Estados Unidos y su Gobierno los que un día y otro día le reclamaron que la sofocase, sin excluir el medio de las armas, restableciendo lo mas pronto posible la paz en su colonia? Pues accediendo España á estas instancias ¿ quién, incluso los Estados Unidos, puede negar la legitimidad de los gastos que hizo al satisfacerlas?

Teoría semejante que, por los respetos que la Comisión española viene guardando y tiene el deber de guardar, no califica como seguramente la calificarían todos los poderes constituidos de la tierra, no puede sostenerse á la faz de los hombres, sino partiendo del supuesto de que el poder metropolitano era ilegítimo y su soberanía una arbitrariedad del despotismo. ¿Y concreta y ceñidamente se califica así á la Corona de España por su dominación en Cuba hasta la celebración del Protocolo de Washington? ¿Puede, sobre todo, calificarla así el Estado que, sin cesar, ha solicitado la acción de esa soberanía para dominar á los que contra ella se habían levantado en la isla con las armas en la mano?

Pasarémos á otro asunto, ya que este es muy delicado para tratarlo con calma y serenidad en una discusión diplomática en que se intenta controvertirlo.

En el Memorandum á que estamos contestando, se asienta la singular afirmación de que la hipoteca constituida en las dos sobredichas emisiones, puede llamarse mas propiamente una garantía *subsidiaria* y que quien está principalmente obligada al pago es la nación española. Sin duda la Comisión Americana, al hacer tal afirmación, no tenía á la vista el artículo 2º del Real Decreto de 10 de Marzo de 1886, acordando la emisión de 1,240,000 billetes hipotecarios de la Isla de Cuba, ni el párrafo también segundo del artículo igualmente segundo del Real Decreto de 27 de Setiembre de 1890, acordando la emisión de 1,750,000 billetes hipotecarios también de la misma isla. Los dos dicen literalmente lo mismo, y bastará por lo tanto que transcribamos uno de ellos. Dice así: "Los nuevos billetes tendrán la garantía *especial* de las rentas de Aduanas, sello y timbre de la Isla de Cuba, la de las contribuciones directas é indirectas que allí existan ó puedan establecerse en lo sucesivo, y la *general* de la Nación Española. Estarán exentos de todo impuesto ordinario y extraordinario, etc."

Tampoco ha debido ver la Comisión Americana ninguno de los títulos emitidos de estas deudas, que se hallan por todas partes esparcidos incluso en Cuba y en las manos de terceros y particulares dueños; si los hubiera visto, habría leído en ellos lo siguiente: "*Garantía especial* de las rentas de Aduanas, sello y timbre de la Isla de Cuba, la de las contribuciones directas é indirectas que allí existan ó puedan establecerse en lo sucesivo y la *general* de la Nación Española." "El Banco hispano-colonial percibirá por medio de sus delegados en la Isla de Cube ó recibirá en Barcelona por conducto del Banco Español de la Habana, el producto de las Aduanas de la misma, reteniéndose anticipada y diariamente lo necesario, según la tabla al dorso, para aplicarlo en cada trimestre al pago de intereses y amortizacion."

Si después de esto la Comisión Americana continúa entendiendo que esta deuda no se emitió como hipotecaria y que la hipoteca no consistió en las rentas de las Aduanas de Cuba y sus demás impuestos; y que estas rentas no fueron las que se señalaron principalmente y en primer lugar, y por lo tanto antes que el Tesoro de la Península para el pago de los intereses y amortizacion de esta deuda, nada más tenemos que decir. No sabemos demostrar la evidencia.

Por lo que hace á los tenedores de estos títulos y á la severidad que entendemos es injustificada, con que aquellos son tratados en el Memorandum Americano, no es España la que tiene el deber de defenderlos. Cuando á su noticia llegue el juicio que sobre ellos se emite, es de suponer que por si mismos se defenderán, porque después de todo, no necesitan hacer grandes esfuerzos para demostrar la justicia de su causa.

Por lo que á España toca, y con esto su Comisión procede á contestar categóricamente á las preguntas que se formulan en el Memorandum

Americano, le basta defender la legitimidad de sus actos y el perfecto derecho con que creó aquella deuda y estableció su hipoteca; y por consiguiente, el estricto que tiene para no pagar los intereses y amortización de la misma, sino cuando se le pruebe la insuficiencia de las rentas hipotecadas con que aquellos deben ser primeramente satisfechos.

Si los que tales rentas tengan en su poder, quieren ó no cumplir la obligación sobre ellas constituida, es cosa que quedará bajo su responsabilidad puesto que España no tiene medios de hacerles cumplir esta obligación, ni por otra parte tiene ella para con los acreedores más deberes que los que honradamente ha venido hasta ahora cumpliendo. Pero España, vuelve á decirlo su Comisión (y es lo único que textualmente ha dicho en su documento anterior aunque en otro sentido aparezca en el Memorandum Americano) no puede prestarse en este Tratado con los Estados Unidos, ni en otro alguno con cualquier Potencia á hácer ni declarar en su propio nombre, nada que manifieste ó siquiera implique que ella misma pone en duda y mucho menos desconoce, ni aún voluntariamente merma por lo que á ella toca, los derechos hipotecarios de los tenedores de aquellas deudas. No tiene medios eficaces para que los que hayan de ser tenedores de las hipotecas, respeten tales derechos. Por esto no los emplea si los tuviese, ya que no por estricta justicia á lo menos por un deber moral, los emplearía, ajustándose así á los sentimientos de la probidad pública y privada.

Creen, pues, los Comisarios Españoles haber contestado bien categóricamente á las preguntas que sobre este particular se les dirigen en el Memorandum Americano, y después de esto pasan á ocuparse del principal punto tratado en aquel Memorandum y que se refiere á la soberanía del Archipiélago filipino.

Segun el Memorandum Americano se funda la cesión del Archipiélago que se pide á España, no en que tal cesión se haya convenido en el artículo 3º del Protocolo, como se convino en el 2º la de la Isla de Puerto Rico, sino en que, según aquella Comisión, entre los asuntos relativos á las Islas Filipinas que en el artículo sobredicho se dejaron á la libre resolución de la Conferencia de Paris, está el que tiene por objecto la cesión por España de la soberanía en aquellas islas á los Estados Unidos de America.

La Comisión española sostiene que lejos de haberse encomendado tan grave asunto á la Conferencia de Paris, asunto que sin duda seria mas importante que todos los que está llamada á discutir, el artículo 3º del Protocolo descansa sobre el supuesto de que la soberanía del Archipiélago había de continuar siendo de España.

La Comisión Americana busca el fundamento de su tésis en la interpretación de las frases de la citada cláusula 3ª, y además en las negociaciones que la prepararon y terminaron con su aceptación.

Examinaremos con fria serenidad los razonamientos de esta tésis. Dice la Comisión Americana que es un principio de derecho que "cuando el resultado de negociaciones se ha comprendido en un escrito cerrado, los términos de este acuerdo deben definir los derechos de las partes."

La Comisión Española admite esta regla de la interpretación de los Tratados, si tiene como fundamento indispensable, el de que los términos del acuerdo sean claros y precisos y de indudable y fijo sentido, porque, en tal caso, debe entenderse que las diferencias que durante las negociaciones hubiera habido, entre los Estados contratantes, quedaron resueltas por el acuerdo claro, preciso, y de fijo sentido en que convinieron. Más ¿es este el caso sobre que discuten al presente ambas Comisiones?

Antes de contestar á esta pregunta, entiende la Comisión Española,

que es bueno transcribir, una vez más, el texto del Artículo 3º del Protocolo, literal y fielmente traducido del original francés. Dice así: "Los Estados Unidos ocuparán la Ciudad, puerto y bahía de Manila en espera de la conclusión de un Tratado de paz que deberá determinar la intervención (contrôle) la disposición y el Gobierno de las Filipinas".

No sabe la Comisión Española si la Americana ignora que, al recibirse por el Gobierno de Madrid el despacho del Señor Secretario de Estado de Washington, en fecha 3º de Julio, comunicándole las tres condiciones con cuya aceptación por España, estaban los Estados Unidos dispuestos á hacer la paz, y la tercera de las cuales era la que, sin la menor alteración se transcribió después en el Protocolo, formando su cláusula 3ª, dirigio un despacho telegráfico al Señor Embajador de Francia en Washington Mr. Cambon el 1º de Agosto en el que, sobre este punto le decía literalmente lo siguiente: "El tercer punto en que se determina la forma de disponer de las Islas Filipinas, parece falto de precisión á este Gobierno. Ha suplido (este Gobierno se entiende) las deficiencias que en él se advierten, suponiendo que no hay cuestión respecto de la soberanía permanente de España en aquel Archipiélago y que la ocupación temporal de Manila, su puerto y su bahía, por el Gobierno federal, solamente ha de durar el espacio necesario para un acuerdo entre ambos paises, sobre reformas administrativas." Tenemos á disposición de la Comisión Americana este despacho por si quisiera leerlo y estudiarlo por si misma.

Mr. Cambon, recibido que hubo este documento, tuvo con el Señor Presidente de la República Americana una conferencia, el dia 3, y que, respecto al particular de que la Comisión Española se ocupa en este momento, aparece referida en el despacho de dicho Señor Embajador de 4 de Agosto, en los términos siguientes: "Aproveché esta declaración para rogar al Presidente que tuviera la bondad de precisar sus intenciones en lo que posible se refiere á Filipinas. En este punto, le dije, está la contestación del Gobierno Federal redactada en términos que pueden prestarse á todas las pretensiones de parte de los Estados Unidos, y por consiguiente, á todos los temores de España, respecto de su soberanía" El Presidente le contestó como luego se dirá. Mas el Gobierno Español, á pesar de las palabras de aquel Alto Magistrado insistió, en su despacho de 7 de Agosto, en las dudas que le ofrecía el sentido de la cláusula 3ª. Inútil insistencia. El Gobierno Americano, ni entónces, ni antes, ni después, se prestó á manifestar concretamente su pensamiento envuelto en las frases de contrôle, disposición y gobierno de Filipinas, de que se había de ocupar la Conferencia de Paris. Ahora es cuando por primera vez entra en esta explicación. En el Memorandum á que está contestando la Comisión Española, es donde la consigna la Americana. Dice: "Ciertamente la palabra *control* (en inglés) no fué aquí aplicada en el sentido de *register* (investigación ó inspección) sino en su sentido más amplio de autoridad ó mando * * * ¿ qué palabra podía ser más amplia que *disposición*, que prácticamente tiene la misma significación en francés y en inglés? * * * tenemos por tanto en estas dos palabras "la autoridad sobre", "dominio de", final y definitiva explicación de la materia en cuestión." ¿ Qué es gobierno sino el derecho de administración ó de ejercer soberanía, la dirección, el manejo político de un Estado? Cualquiera de estos términos implica la facultad ó poder de intervenir con soberanía. Juntos tienen el más amplio alcance, para tratar de todos los poderes, gubernamental, territorial ó administrativo."

La explicación, si no parece oportuna por lo tardía, tampoco parece satisfactoria. Desde luego se ocurre que si con el propósito de que tal

cosa significasen aquellas palabras, se empeñó el Gobierno Americano en sostenerlas, aunque sin explicarlas, á pesar de las diversas veces en que así se le pidió ¿porqué razón no tuvo entonces la franqueza que ostenta ahora su Comisión? ¿porque en vez de decir que la conferencia de Paris habia de determinar la intervención, la disposición y gobierno de las Islas Filipinas, no dijo que dicha conferencia habia de resolver sobre su soberanía, acordando ó no, su cesión á los Estados Unidos, como ahora la reclaman sus Comisionados fundándose en que en aquellas frases está también contenida esta cesión? ¿No hubiera sido esto mas breve, mas explicito y de mayor franqueza?

Pero ¿es admisible la interpretación que ahora fuera de sazón pretenden dar aquellos á las sobredichas frases? Dicen que la palabra *control* (contrôle en francés) no puede tomarse en el sentido de *register* (investigación o inspección) sino en el de autoridad ó mando. Y ¿porqué? Porqué este es el sentido mas ámplio que tal palabra tiene en inglés. Mas prescinden de fijar su atención en que el Protocolo fué redactado también en francés, cuyo ejemplar firmó como oficial el Señor Secretario de Estado de Washington. Y que dicha palabra, en francés, no significa semejante cosa sino investigación ó inspección, que también significa en inglés y ¿cómo pueden dejar de reconocer los Comisarios Americanos que cuando un Tratado se ha redactado oficialmente en dos ó más idiomas á sus palabras no se puede dar otro sentido que el que sea común á todos ellos?

Sostienen asimismo que la palabra *disposición* significa enajención. No lo negamos por mas que cuando se emplea en este sentido, es para aplicarla á las relaciones jurídicas de la vida civil y privada, pues en francés la significación mas común y frecuente de tal palabra es la de "distribución según un orden cierto y determinado."

Afirman que la palabra *gobierno* significa el derecho de administrar ó de ejercer soberanía, y aunque tal sentido puede admitirse, tampoco puede rechazarse el de la "manera de gobernar" ó la "forma que tal gobierno ha de tener." Mas sea uno ú otro el sentido en que aquellas tres palabras fueron empleadas en la cláusula 3ª, si no hubiera en las negociaciones datos suficientes para fijar entre tan diversos sentidos aquel en que se emplearon, es imposible que se desconozca como se acaba de demonstrar, que por lo menos no tienen en si mismas y por si solas tales palabras un sentido claro preciso y que no pueda ofrecer motivo á ambigüedades y dudas. Así lo demostraron ya entonces los hechos.

El Gobierno Español y su representante en Washington, precisamente porque no tenían esa claridad, reclamaron aunque inútilmente explicaciones, y ¿quién se empeñó con verdadera tenacidad en sostener tan oscuras frases? No se negará que ha sido el Gobierno de Washington. Pues sírvanse leer los Señores Comisionados lo que sobre la interpretación de frases semejantes, dice el inmortal Vattel, una de las mas grandes autoridades en cuanto se refiere á las relaciones internacionales de los pueblos, en su Derecho de Gentes, tomo 3º, página 197. "La duda debe resolverse contra aquel que ha dado la ley en el Tratado, porque es él, en alguna manera quién la ha dictado, y falta suya es si no se ha expresado mas claramente; y entendiendo ó restrigiendo la significación de los términos en el sentido que le es menos favorable, no se le hace ningun agravio ó no se le hace más que aquel á que ha querido exponerse. Mas con una interpretación contraria se correría el riesgo de convertir términos vagos ó ambiguos en lazos para el mas débil contratante que ha sido obligado á recibir lo que el mas fuerte ha dictado."

Acaba de indicar la Comisión Española que en las negociaciones hay datos suficientes para fijar el verdadero sentido de aquellas tres bien memorables palabras Lo mismo por su parte afirma la Comisión Americana. Veamos cual de los dos contradictorios sentidos entienden ambas Comisiones que es el que debe preferirse.

En el Memorandum Americano se asienta como base de todo el razonamiento, según ya se ha dicho, que en la cláusula 3ª del Protocolo, se dejó á la libre resolución de la Conferencia de Paris que había de elaborar el Tratado de Paz el punto relativo á la soberanía del Archipiélago Filipino. Pues bien, ¿ ha tenido la Comisión Americana en cuenta cuando hacía tan graves afirmaciones, que el Señor Secretario de Estado de Washington, en su despacho de 30 de Julio, en que comunicó al Gobierno Español las tres condiciones, que el de los Estados Unidos le imponía para la paz y en que la tercera, como queda dicho, estada redactada con las mismas palabras con que se lee en el Protocolo, establecia tambi n el nombramiento de los Comisarios que habían de redactar el Tratado de paz y fijaba y circunscribía sus facultades para este objeto? En dicho despacho se lee el párrafo siguiente: "si las condiciones ofrecidas aquí son aceptadas en su integridad, los Estados Unidos nombrarán Comisarios que se encontrarán con los igualmente autorizados por España con el objeto de arreglar los *detalles* del Tratado de Paz y de firmarlo en las condiciones arriba indicadas." ¿ Entiende la Comisión Americana que es un detalle en este Tratado de Paz la inesperada cesión que reclaman á España de un inmenso territorio que tiene mas de 300,000 kilómetros cuadrados de superficie y que cuenta con mas de 9,000,000 de habitantes? ¿Entiende que es un *detalle* la adquisición de un Archipiélago que para nadie es un secreto que está llamado á ser próximamente un factor importante para la paz del mundo?

Pero acudamos á los precedentes, como hace la Comisión Americana, en busca de ese sentido tan ambiguo.

Refiere aquella el principio de las negociaciones. Estamos conformes con su relato hasta que llega á la narración de la primera Conferencia de Mr Cambon con el Señor Presidente de los Estados Unidos: se refiere en el Memorandum que, en tal conferencia el Presidente dijo respecto á Filipinas que la nota, (la citada del 30 de Julio) expresaba los propósitos de su Gobierno y la disposición final de aquellas dependería del Tratado que debía negociarse por los Comisionados. que después de una posterior discusión en que el Presidente reiteró que el Tratado había de determinar el porvenir de las Islas Filipinas, se leyó el Artículo 3º en que se decía que los Comisionados resolverían sobre el contrôle, la *posesión* y el gobierno de aquellas Islas; que Mr Cambon propuso la substitucion de la palabra *posesión* por la de *condición*, por entender que aquella podia ser tomada por el Gobierno Español como severa y amenazadora: el Presidente se negó al cambio propuesto mas al fin aceptó en lugar de la palabra *posesión* la de *disposición*, que (refieren los Comisionados Americanos, no sabemos si como opinión del Presidente ó suya propia) no cambiaba el significado, y que siendo muy amplio, podía incluir el de la posesión.

Veamos ahora como refiere Mr Cambon lo que pasó en esta entrevista. Decía en su despacho de 31 de Julio al Gobierno Español:

"Las peticiones formuladas en el Artículo 3º (dijo al Presidente) son á propósito para comprometer en Madrid el éxito de esta negociación preliminar, sobre todo si se mantiene entre las palabras *contrôle* y *gobierno* de Filipinas la palabra *posesión*, que parece poner desde ahora en duda la soberanía de España sobre esta Colonia; observará V. me dijo

entonces el Presidente de la República que mis peticiones, en lo que se refiere á los dos primeros Artículos, no admiten discusión; dejo á las negociaciones el cuidado de resolver la cuestión de Filipinas. Si las fuerzas americanas '(fíjese toda la atención en estas frases)' permanecen hasta hoy en sus posiciones, es para obedecer á un deber que me imponen respecto á los residentes y extrangeros los progresos * * * (aquí unas palabras que no pudieron traducirse pero que bien se comprende que debían referirse á la insurrección tagala). Viendo 'al Señor Presidente de la República resuelto á no modificar los términos del artículo 3º hice un llamamiento tan apremiante á su generosidad, que * * * mandó reemplazar la palabra *posesión* por la de *disposición* que no prejuzga el resultado de las negociaciones y que no tiene el mismo sentido global.'"

Entre una y otra relación notarán seguramente los Comisarios Americanos bastantes diferencias. En la suya nada se lee respecto á la única razon que manifestó el Presidente que tenia, para no retirar desde luego del Archipiélago las fuerzas Americanas, lo cual acusa que entónces estaba muy lejos de pensar en que hubiera de pedirse la soberanía de aquel para los Estados Unidos. Según la relación Americana, la palabra *disposición* fué aceptada porque contenía el sentido de la palabra *posesión;* mas según el despacho de Mr Cambon aquella palabra en lugar de la de *posesión* cambiaba el sentido global de la cláusula. Y tengan ó no razón la Comisión Americana ó Mr Cambon, siempre resulta que éste aceptó el cambio, porque entendió que así quedaba descartada toda cuestión sobre la conservación de la Soberanía de España sobre Filipinas.

El viernes. 3 de Agosto, volvió á celebrar el Señor Presidente otra conferencia con Mr Cambon. Se dice en el Memorandum que, en ella, manifestó éste que España insistía sobre el asunto de que su soberanía no fuera intervenida; que el Presidente le contestó que la *disposición* de las Islas Filipinas, debía depender del tratado que había de negociarse, y que no podía hacer ningún cambio en los términos anteriormente propuestos.

Veamos ahora como refiere esta conversación Mr Cambon, en su despacho del 4 de Agosto al Ministro de Estado Español. "Mr. Mac Kinley, se mostró inflexible (sobre la cesión de Puerto Rico) y me repitió que la cuestión de Filipinas era la única que no estaba ya definitivamente resuelta en su pensamiento." Después de referir su insistencia en las frases que ya quedan transcritas en este Memorandum Mr Cambon continúa: "Mr. Mc Kinley me contestó, no quiero dejar subsistir ningún equívoco sobre este particular; los negociadores de los dos paises serán los que resuelvan cuales serán (nótese) las ventajas permanentes que pediremos en el Archipiélago y, en fin, los que decidan la intervención (*contrôle*), disposición y gobierno de las Islas Filipinas. Y agregó, el Gobierno de Madrid puede tener la seguridad de que hasta ahora, no hay nada resuelto *à priori* en mi pensamiento contra España, así como considero que no hay nada decidido contra los Estados Unidos." (*Textual.*)

Compárese también una relación con la otra. La del Memorandum americano se limita á referir que el Señor Presidente había dicho, que la *disposición* de las Islas Filipinas debía depender del Tratado y que ningún cambio podía hacer en los términos. Pero omite la segunda y mas importante parte de la conversación que refiere Mr Cambon, á pesar de que contiene datos que no pueden dejar lugar á la menor duda, sobre la cuestión pendiente. Se observa en primer lugar que así en-

esta contestación, como en la anterior, de la misma manera que en las notas del Gobierno Americano, se omite con el mayor cuidado la palabra soberanía, al hablar de las Filipinas, entre tanto que, con un cuidado igual, se emplea esta palabra por el Gobierno Español y por su representante en Washington, para decir sin cesar que aquella no quedaba sometida á discusión. Unase esta observación á las ya hechas sobre la persistente y clara aunque implícita resistencia á explicar las tres palabras sobredichas.

Mas á pesar de todo esto el Señor Presidente dijo, y la Comisión Americana en su Memorandum no lo niega, categóricamente, que la Conferencia de Paris sería la que había de resolver cuáles habian de ser las ventajas permanentes que los Estados Unidos habian de pedir en el Archipiélago, además de cuál había de ser el *contrôle*, la *disposición* y el *gobierno* de las Islas.

Se dice en el Memorandum que el Presidente no se limitó á hablar de las ventajas permanentes. Es verdad que la Comisión Española no ha dicho, ni dice que se haya limitado á eso porque añadió lo que se acaba de decir. ¿Pero qué tiene esto que ver para desconocer el sentido que de las palabras del Presidente resultan? Si era su pensamiento, ya perfectamente formado á la sazón, el pedir en la Conferencia no una sola ventaja sino ventajas permanentes en el Archipiélago para los Estados Unidos es evidente que no pensaba pedir la soberanía; ¿puede esta calificarse de mera ventaja permanente de los Estados Unidos en aquellas Islas? Y aunque tan singular hipótesis quisiera sostenerse ¿cómo había de explicarse en este caso el número plural empleado por el Señor Presidente de los Estados Unidos? A esta observación ya hecha en el escrito anterior de la Comisión Española no se contesta en el Memorandum Americano, y se comprende, porque no tiene contestación posible que pueda ser harmonizada con el propósito que allí se pretende sostener.

No hemos de ocuparnos de las indicaciones que en el Memorandum se leen sobre el diverso idioma que entendian y hablaban los interlocutores en las dos Conferencias sobredichas: no puede ciertamente tal circunstancia dar verosimilitud al supuesto de que el Señor Presidente no haya expresado, no ya una idea incidental, sino las importantes y capitales que Mr. Cambon afirma que le ha oido.

Si este no lo hubiera entendido, á pesar de que tenía á su lado, según se refiere en aquel Memorandum, á su Secretario que entiende y habla el inglés, no se puede suponer que le hubiera atribuido, de modo tan positivo, sin faltar deliberadamente á la verdad, lo que consigna en su despacho.

Pasemos ahora á la nota del Gobierno Español del 7 de Agosto. La Comisión Americana está conforme con la española en reconocer que en esta Nota el Gobierno de Madrid al manifestar que aceptaba la cláusula 3ª salvó *à priori* su soberanía sobre el Archipiélago Filipino: por esto no consideramos necesario transcribir una vez más textualmente sus palabras: la única diferencia entre ambas Comisiones consiste en que entretanto que la Española afirma y se ratifica en esta afirmación, que en la Nota de su Gobierno se empleaba el adjetivo *entera* ó *total*, al hablar de la soberanía que allí se reservaba para España, la Americana dice que en la traducción al inglés de esta nota, que entregó al Gobierno de Washington Mr. Cambon, no existe tal adjetivo. Nosotros tenemos la copia, no la traducción como se la llama en el Memorandum Americano, de la Nota original del Gobierno Español, la que ponemos á la disposicion de la Comisión Americana. En ella, el adjetivo está escrito, si al hacerse en Washington su traducción, al inglés, se omitió, cosa es que

sabrá la Comision Americana, por haber visto tal traducción, pero que no puede menos de ignorar la española, que nunca tuvo de ella conocimiento. La diferencia no tiene importancia alguna, porque, aún prescindiendo de tal adjetivo, queda siempre como verdad y así la reconoce la Comision Americana que el Gobierno Español se reservaba allí *à priori* su soberanía sobre Filipinas y que solamente con esta reserva aceptaba la base 3ª. Y si después el Gobierno Español no cambió de opinión y en efecto esto no se afirma ni sería posible que se afirmase en el Memorandum Americano, siempre resultará que el Protocolo y su cláusula 3ª no obligan, en buen derecho, al Gobierno Español, sino con la expresa reserva que hizo al aceptarla, y de que no desistió después.

Mas en el Memorandum Americano comprendiéndose sin duda, la incontrastable fuerza de la consecuencia que resultaba de haberse firmado el Protocolo sin que el Gobierno de Washington, una vez enterado de aquella reserva, nada hubiera dicho en contra suya, se manifiesta que, así el Presidente de la Unión como su Secretario de Estado, al oir la lectura de aquella Nota, dijeron que era vaga é indefinida, suponiendo que aceptaba los términos de la de los Estados Unidos, mientras requería alguna modificación, y que respecto á Filipinas, si en un párrafo se expresaba la aceptación de la cláusula en otro parecía reservarse el derecho absoluto de soberanía.

La reflexión es hábil, mas por desgracia suya, no parece tan exacta como hábil. Es verdad que dichos Señores, leída que les fué la Nota, revelaron su desagrado. Lo que no parece exacto, á juzgar por lo que dijo entonces Mr. Cambon, es que la causa de tal desagrado fuese lo que, no *vaga e indefinidamente*, si no *clara y terminantemente*, en la Nota se decía sobre la reserva que España hacia de su soberanía sobre el Archipiélago. El mismo Memorandum Americano transcribe el párrafo correspondiente de la Nota leída y en él está, no vaga é indeterminada, sino expresa, clara, y terminante esta reserva.

La causa revelada en aquel acto, por el Señor Presidente, de su desagrado, fué otra muy diversa, que refiere Mr. Cambon en el párrafo siguiente de su despacho de 10 de Agosto. Helo aquí: "Señor Duque: También ha sido esta vez en la Casa Blanca, en presencia del Mr Mc Kinley y por expreso deseo suyo, donde he comunicado al Secretario de Estado el telegrama (la nota sobredicha) de 7 de Agosto, en que V. E. declara que el Gobierno de España acepta las condiciones impuestas por los Estados Unidos. Esta lectura contrarió visiblemente al Presidente de la República y al Secretario de Estado. Después de un silencio prolongado me dijo el Mr. Mc Kinley: *Yo había pedido á España la cesión y por consiguiente la evacuación inmediata* (esta evacuación inmediata no hemos podido averiguar cuando había sido pedida) *de las Islas de Cuba y Puerto Rico; en vez de la aceptación categórica que esperaba, el Gobierno Español me dirige una Nota en que invoca la necesidad de obtener la aprobación de las Cortes: no puedo prestarme á entrar en estas consideraciones de órden interior.* Hice observar que al conformarse el Gobierno de S. M. con sus deberes constitucionales, no hacía mas que imitar al Presidente, al cual le están impuestas obligaciones análogas, y que en su contestacion de 30 de Julio, había reservado expresamente la ratificación del Senado Federal" (así era la verdad y consta en dicho despacho de 30 de Julio).

No alegó el Señor Presidente ni su Secretario de Estado otro motivo para su disgusto, más que el sobredicho, y según Mr. Cambon, en la conversación nada dijeron aquellos Señores sobre la expresada reserva de la soberanía del Archipiélago, que hacía España, ni sobre otra cosa alguna más que la reserva del Gobierno Español de la aprobación de las Cortes.

Así es que el Señor Presidente concluyó por contestar al Señor Cambon, que le preguntaba sobre las prendas de sinceridad que podría darle España, lo siguiente: "Habría un medio de poner término á todo equívoco: podríamos nosotros preparar un proyecto que reproduzca las condiciones propuestas á España en los mismos términos en que ya los he formulado, (hasta aquí esto era en efecto todo lo convenido) *y que fijen los plazos en que se nombrarán por una parte los Plenipotenciarios encargados de negociar en Paris el Tratado de paz, y por otra parte Comisiones especiales encargadas de determinar los detalles de la evacuación de Cuba y de Puerto Rico.*" (Esto sí que se había pasado de consignarlo en la Nota del 30 de Julio, y esto por si solo hubiera sido causa bastante para explicar el cambio de formalización de las condiciones para la paz).

Vease pues si hay una distancia inmensa entre lo que en el Memorandum Americano se afirma, y lo que Mr. Cambon manifestó al Gobierno Español en su Nota del 10 de Agosto, ó sea inmediatamente después de haber asistido á tan importante conferencia y cuando por consiguiente tenia tan reciente en su memoria lo ocurrido en ella. Haciendo justicia á la perfecta veracidad de los Comisarios Americanos su relación de aquella conferencia á los tres meses de celebrada, no puede ser preferida por los Comisarios españoles á la del Honorable Mr. Cambon que hizo la suya inmediatamente después de ocurrido el suceso que en ella tan detallamente narraba.

En el Memorandum Americano se niega que el Señor Secretario de Estado de Washington haya manifestado en su Nota de 10 de Agosto á Mr. Cambon, como la Comisión Española había afirmado, que la del Gobierno de Madrid, (la de 7 de Agosto) contenía en su espíritu la aceptación por España de las condiciones propuestas por los Estados Unidos; y al efecto se inserta allí literalmente dicha Nota.

Rectifica la Comisión Española su afirmación anterior acomodándola á lo que en aquella se expresa. Pero cumple á su veracidad decir que al hacerla se refirió á la Nota de Mr. Cambon, de 11 de Agosto, que empieza con el siguiente párrafo: "Señor Duque: Al transmitirme el proyecto de Protocolo cuyo texto he telegrafiado á V. E. el Secretario de Estado me ha dirigido una carta que puede resumirse como sigue: Aunque la nota entregada ayer en la Casa Blanca contiene en su espíritu la aceptación por España de las condiciones propuestas por los Estados Unidos, en su forma, no particulariza bastante esplícitamente, lo que sin duda so debe á que ha tenido que ser traducida y cifrada varias veces." Estas palabras que bien pueden explicarse sin mengoa de la indiscutible veracidad del Honorable Mr. Cambon, indujeron y no podian menos de inducir á error á los Comisarios Españoles. Cumplen noblemente el deber de declararlo así.

Mas después de todo, la diferencia no es de importancia. El Señor Secretario de Estado, y esto si que consta en su propia carta, no puso otro defecto á la Nota Española del 7 de Agosto, que el no ser enteramente explícita, sin duda á causa de las diversas transformaciones que había sufrido. Pero es el caso, que ese defecto no es posible que lo hubiese atribuido el Señor Secretario de Estado al párrafo de dicha nota perfectamente traducida al inglés (salvo el adjetivo total) que en el Memorandum Americano se copia, y se dice que había sido leído al Señor Presidente de la Unión y á su Secretario de Estado y en cuyo párrafo, clara, esplícita y terminantemente, el Gobierno Español reserva *á priori* su soberanía en Filipinas. Seria poco explícito todo lo demás que la nota contenia si se quiere decirlo así, pero aquella reserva no lo fué seguramente. Por lo tanto, la carta á que nos venimos refiriendo no contradice la afirmación que sostenemos, de que la mencionada reserva, de que el

Gobierno de Washington oportunamente se había enterado y constaba tan clara en la traducción inglesa que tenía en su poder, no fué por él contradicha, ni sirvió de motivo para emplear la nueva forma de Protocolo como medio de solemnizar el convenio sobre las bases de la paz. Ese motivo bien resalta en los documentos ya examinados que contienen aquellas negociaciones.

Después de cuanto precede nos parece que, hayan sido cualesquiera las íntimas intenciones del Gobierno de Washington, su conducta y sus palabras escritas y habladas no son bastantes para destruir la afirmación que hacemos de que España aceptó la tercera cláusula del Protocolo en el sentido comunicado á aquel Gobierno, y no contradicho por él, de que *à priori* quedaba á salvo su soberanía en Filipinas, puesto que su *contrôle*, su disposición y gobierno, que había de acordar la Conferencia de Paris, se referían únicamente á su régimen interior. Y esto por si solo sería bastante para sostener sin contradicción fundada que aquella Conferencia no puede ocuparse ni tiene atribuciones para ocuparse de la cesión que piden los Estados Unidos, aunque por un supuesto que consideramos imposible, llegara á destruirse la prueba que, tomada de las mismas palabras del Señor Presidente de la Unión, hemos procurado hacer y creemos que hemos hecho, de que según su propio pensamiento entonces aquella soberanía quedaba fuera de discusión ulterior.

¿Que ha de decir la Comisión Española sobre las palabras que lee en el Memorandum Americano y que parecen buscar un fundamento á la actual petición de aquellos, en la indemnización de guerra, como si no estuviera fuera de discusión y no hubiera sido reconocido por la misma Comisión Americana que esta indemnización de los gastos de la guerra, y no solo de ella sino también la de los ciudadanos americanos, en su mayoría, si no todos originarios de Cuba aunque, al parecer, naturalizados después en los Estados Unidos, que habían sufrido perjuicios en la última insurrección, se había convenido en cubrirla con la cesión de Puerto Rico, de las demás Antillas y de la Isla de Guam en las Marianas?

O ¿ es que esa indemnización ha de ser una cuenta abierta en que quepa pedir todo lo demás que á España queda, incluso la propia Península?

Por cierto que el haberla limitado á la Isla de Guam en el Oriente, es un indicio más que acredita que los Estados Unidos no pensaban á la sazón en las Islas Filipinas. Si pensaran ¿ se concibe que reclamaran entonces, desde luego, una pequeña é insignificante Isla y dejaran de reclamar el inmenso Imperio Filipino que estaba á ella tan próximo?

Reconózcase pues, que carece de fundamento la reclamación ó petición del Archipiélago Fipino que se hace para los Estados Unidos en la forma y con las condiciones que se leen en la proposición Americana. Mientras esta cesión se pretenda en tal forma y con tales condiciones, la Comisión Española no puede menos de rechazarla.

MEMORANDUM EN APOYO DE LA ÚLTIMA PROPOSICIÓN ESPAÑOLA.

En esta proposición pidieron los Comisarios de España, según se recordará, que los Americanos presentasen otra acomodándola á lo convenido en los artículos 3º y 6º del Protocolo, esto es, proponiendo la forma de intervención disposición y gobierno que había de establecerse por España en Filipinas, la devolución de la plaza, puerto y bahía de Manila, la libertad de su guarnición, actualmente prisionera, la devolución de los fondos públicos, rentes é impuestos que hubiesen percibido

hasta que se hiciera la entrega de la plaza, y el compromiso, o sea el reconocimiento por parte de los Estados Unidos, de la obligación de indemnizar á España por la retención de las tropas que guarnecian la ciudad, cuando se rindió, el 14 de Agosto último.

La Comisión americana ha rechazado esta proposición porque entiende que no exijen que la presente los citados Artículos 3 y 6 del Protocolo.

Respecto á la primera parte que se refiere á la intervención, disposición y gobierno del Archipiélago el tratar de demostrar aquí que no se ha cumplido el artículo 3º con la proposición americana en que, en lugar de ocuparse del régimen interior de aquellas Islas, se pidió su cesión á los Estados Unidos, sería repetir lo que en la parte anterior de este documento deja espuesto la Comisión Española. De sus razonamientos entiende que resulta, con la claridad del medio día, que una cosa es la cesión de aquellas Islas, que es de todo punto agena á lo contenido en la convención de Washington y otra es el régimen interior de las mismas que, según su referida cláusula 3ª puede y debe ser materia del Tratado de Paz.

Faltarian, pues, los Comisarios Españoles á sus propias convicciones, si no persistieran en demandar à la Comisión Americana, la presentación de una proposición sobre tal régimen, á no quedar infringida, no solo en su propio sentido, sino hasta en su propio texto, la clásula 3ª de aquel convenio.

En el primer párrafo de la proposición especial y relativa á la toma de Manila, se pide la devolución inmediata á España de la ciudad y de su bahía y puerto. Rectificando aquí una de las equivocaciones de hecho que abundan en el Memorandum Americano tenemos que hacer constar que, en la proposición Española, no se pidió esta entrega inmediata ni de nada de lo que los siguientes párrafos de la proposición también contienen, para que se llevase á cabo desde ahora. La entrega inmediata habia de suceder, como no podía menos de ser asi, á la celebración del Tratado de Paz. La prueba es bien concluyente para que los Comisarios Españoles debieran suponer que nunca tendrian que hacer esta rectificación. Dice así el primer párrafo de la proposición sobredicha: "Los Comisarios Españoles por lo tanto, en cumplimiento de lo expresamente convenido en el Protocolo entienden que en *el Tratado de Paz debe consignarse, 1º la entrega etc* . . . . * * *" . . . . Si esta se había de convenir en el Tratado de Paz ¿como pudo suponerse que la Comision Española pedía que se hiciese antes de convenirse?

Vamos á despejar el trabajo de este Memorandum haciendo dos rectificaciones de carácter personal antes de entrar á discutir el punto de la rendición y capitulacion de Manila y sus consecuencias.

En el Memorandum Español al que el último Americano sirve de contestación, no hay frase que ofenda ni lastime la honorabilidad del General Merritt y del Almirante Dewey. En el Memorandum Americano quiere darse á entender que, con mayor ó menor habilidad, se insinúa en el Español la idea de que los Jefes Militares de la Unión, rindieron por la fuerza de las armas la plaza de Manila el 13 de Agosto, cuando ya sabian que se había acordado la suspensión de hostilidades. Es un error. La Comisión Española no empleó, ni acostumbra á emplear, habilidades de ningún genero para disfrazar su pensamiento. Si hubiera creido que aquellos Generales habían faltado al armisticio después de tener noticia de su celebración, lo hubiera claramente dicho. Al hacerlo así, no hubieran faltado á los respetos que aquellos Jefes merecen, como á nadie se le ocurrió creer en 1871 que se faltaba á los respetos debidos al General alemán de Manteuffel imputándole la falta que había come-

tido cuando después de celebrado un armisticio parcial entre las tropas francesas y alemanas, se aprovechó del error en que, sobre la extensión de este Armisticio, había incurrido el General Clinchant, para envolver y obligar á refugiarse en Suiza al Cuerpo de Ejército de su mando. Nosotros nada hemos dicho, ni tenemos que decir, contra la conducta personal de aquellos dos Jefes, al contrario, podemos afirmar un hecho que redunda *en pro* de los bellos sentimientos del Almirante. El 1º de Mayo, quizá bajo la embriagadora influencia de la victoria, envió desde el "Olympia" al Gobernador General de Manila, una comunicación que dice así: "De no rendirse inmediatamente todos los buques, torpederos, y de guerra que existan con bandera española, Manila será destruida." Esta comunicación presumimos que no figurará en el capítulo de la historia en que se registran los servicios prestados á la causa de la humanidad de que tanto se alardea en estos tiempos. Pero nos complacemos en reconocer que el autor de aquella orden draconiana, por la espontaneidad de sus buenos sentimientos, se abstuvo, aunque hubiera podido intentarlo, de llevarla á cabo.

Esto no obsta para que el buen juicio que merecen personalmente aquellos honorables Jefes, no pueda extenderse hasta el punto de tener que agradecerles que hubiesen deliberadamente dilatado la rendición de la plaza hasta el 13 de Agosto, por su propósito de "proteger á la Ciudad y á sus habitantes españoles contra la terrible venganza de los insurrectos". No parece comprensible este propósito: los insurrectos no sitiaban aún la plaza por el lado de tierra, en los primeros días de Mayo, que solamente estaba bloqueada desde la bahía por la flota Americana. Empezaron después y no con el mismo número de fuerzas desde el principio, pues estas fueron poco á poco aumentándose hasta formar las masas de insurrectos que se hallaban al frente de las trincheras de defensa por el lado de tierra el día de la rendición. De suerte que, si por la indicada razón los Jefe Americanos no se habían apoderado hasta aquel tiempo de la plaza, mucho menos debieron hacerlo después. Más, aparte de esto, los hechos demuestran que tal peligro no existía, porque siempre hubieran podido evitarlo las fuerzas Americanas que, al rendirse Manila, habrían de desembarcar en ella y guarnecerla, como lo evitaron desde el 14 de Agosto á pesar de que, según se ha dicho, era mayor el número de los insurrectos sublevados que dominaban en las afueras.

Véase, pues, como sin incurrir en pecado de ingratitud, puede dejar de reconocerse aquel supuesto servicio á los sobredichos Jefes sin que esto en nada obste al buen concepto á que les hace acreedores su comportamiento personal.

En cambio el Memorandum Americano al referir la inesperada rendición y la salida de Manila del General que mandaba las tropas españolas, emplea una palabra de todo punto incompatible con el honor de un militar. Cualquiera que haya sido la conducta de aquel Jefe, está al amparo de las Leyes y Tribunales de su Patria, que examinarán sus actos para aprobarlos ó desaprobarlos según fuese menester pero no está á merced de nadie más y sobre todo de juicios de carácter oficial que quieran emitirse en el extrangero y por extrangeros.

Dejamos asentado en la segunda parte de este Memorandum que en la tantas veces citada cláusula 3ª del Protocolo, se había convenido la ocupación por las fuerzas de los Estados Unidos de la Ciudad, puerto y bahía de Manila hasta la celebración del Tratado de Paz meramente en concepto de garantía.

En tal sentido queda allí demostrado que aceptó esta ocupación el Gobierno de Madrid sin expresa contradicción por parte del Gobierno de Washington.

En el Memorandum Americano parece que quiere deslizarse la idea de que tal ocupación debía tener, asimismo, el carácter de indemnización por los gastos de guerra, fundándose en que en la Nota de 30 de Julio en que el Señor Secretario de Estado comunicó al Gobierno Español las tres condiciones bajo las cuales podía restablecerse la paz, después de decir en la segunda que para aquella indemnización España había de ceder Puerto Rico, las otras Antillas y la Isla de Guam, se comenzaba la cláusula 3ª con las frases: "Por la misma razón los Estados Unidos tienen títulos para ocupar la plaza de Manila ect." La observación no carece á primera vista de alguna fuerza, pero saben perfectamente los Comisionados Americanos que esta es aparente y que lo ocurrido prueba cumplidamente lo contrario. Después de manifestar é insistir el Gobierno español en su Nota del 7 de Agosto y su representante en las conferencias que celebró con el Señor Presidente de la República en que la ocupación de Manila no había de tener otro carácter que el de una mera garantía, aparecen suprimidas en el Protocolo las frases sobredichas. De suerte que dejó de hacerse en él relación alguna entre la ocupación futura de aquella plaza y el pago de la indemnización de guerra, y además dejó de decirse que los Estados Unidos tenían ya el derecho de ocuparla. Sin duda por esto la idea se insinúa, pero no se desenvuelve, ni categóricamente se afirma, en el Memorandum Americano.

Los Comisionados españoles reconocen que tuvieron una agradable sorpresa al observar que, en este documento, ya no se alegaba, como había alegado el Gobierno Americano al contestara la Nota del Español de 7 de Setiembre último, la razón perentoria de que la suspensión de hostilidades, según la cláusula 6ª del Protocolo no debía comenzar á regir inmediatamente de concluido y firmado este documento sino después de su notificación á los Jefes de las fuerzas beligerantes, á pesar de que, punto de tanta importancia había sido expuesto, razonado y demostrado con todo detenimiento, en el documento español á que aquél sirve de contestación. Esta conducta abona su buen criterio y su ilustración en la materia porque equivale á un implícito reconocimiento de la solidez de aquella afirmación que, después de todo, es elemental en la materia y que por nadie, como doctrina corriente, ha sido contradicha.

En cambio aspiran, insistiendo en análogas indicaciones que se leen en la citada respuesta del Gobierno de los Estados Unidos á la nota del de Madrid de 7 de Setiembre último, á desvirtuar, por tardía, la reclamación Española sobre la capitulación de Manila. No han podido comprender los Comisionados Españoles la fuerza del razonamiento sobre este punto. El Gobierno de Madrid formuló con toda solemnidad este reclamación en la mencionada nota, es decir, 23 días después de la capitulación de la plaza; ¿qué ley, ni qué práctica abonan que se tenga por prescrito el derecho á una reclamación de esta especie cuando no se hace antes de transcurrir el diá vigésimo tercero á contar desde el hecho que la motiva?

Se dice además, entrando en el terreno de las intenciones del Gobierno Español, que este suponía que aquel hecho de guerro había sido perfectamente correcto cuando pocos dias después pedia al Gobierno Americano permiso para transportar víveres á Filipinas y restablecer el servicio ordinario de sus vapores correos. Cuando esto acaeció, aún ignoraba el Gobierno Español lo ocurrido el día 14 de aquel mes en Manila. Así también deja entender la Comisión Americana, que es verdad. Más aunque lo supiera, ¿qué *permiso* es ese que se supone pedido por el Gobierno Español? Lo sucedido es lo que no podia menos de ocurrir entre Gobiernos que, aunque enemigos, guardan siempre los deberes que la lealtad impone á todos.

El *statu quo* que resultaba de la suspensión de hostilidades prohibía á cada uno de los beligerantes, mejorar su situación en perjuicio del otro, *miéntras* aquel estado subsistiera : el Gobierno Español, como cualquiera otro que no quiere faltar á los indicados deberes, tenía el de comunicar al Gobierno Americano, obrando con él de acuerdo, el restablecimiento de los servicios que existían antes de la guerra; así obró el mismo Gobierno de Washington cuando en 16 de Agosto solicitó del Gobierno de Madrid el consentimiento para restablecer el servicio telegráfico entre Manila y Hong Kong.

Reconózcase, pues, que la reclamación del Gobierno Español fué hecha en tiempo oportuno y aunque entónces no la hubiera hecho, su Comisión estaba autorizada para hacerla ahora, puesto que lo está para pedir todo aquello que conduzca al cumplimiento fiel y exacto del Convenio de Washington.

Queda, pues, sentado por no haber sido contradicho en el Memorandum Americano á que en este se contesta, que la suspensión de hostilidades convenida en la cláusula 6ª del Protocolo, commenzo á regir y á producir sus legales efectos, inmediatamente después que aquél se firmó en la tarde del 12 de Agosto de este año. Y téngase presente que "si hay un precepto de las leyes de la guerra más claro y perentorio que otro alguno es el de que los pactos entre los enemigos, como son las treguas, han de cumplirse fielmente y que su inobservancia debe calificarse no solo como una contradicción del verdadero interés y del deber de las partes inmediatas sino de los de toda la humanidad." Estas frases no las rechazarán los Comisionados Americanos porque son de su illustre compatriota el eminente Wharton en su Digesto del Derecho Internacional de los Estados Unidos formado con textos de los Presidentes y Secretarios de Estado, con las decisiones de los Tribunales Federales y con los dictámenes de los Attoney Generales.

¿Se ha observado con esta escrupulosidad lo convenido en la cláusula 6 del Protocolo? El día 13 de Agosto era cañoneada la plaza de Manila y el 14 se rendía. Los Jefes de las fuerzas Americanas, no tienen los Comisionados Españoles razón alguna para afirmar que supieran que las hostilidades estaban suspendidas; pero es lo cierto que aquella acción de guerra se ejecutó después de esta suspensión.

Y con este motivo tiene la Comisión Española que completar la pequeña historia que se hace en el Memorandum americano sobre el restablecimiento del cable de Manila. Se dice allí que en 16 de Agosto fué el Gabinete de Washington quien, por medio de una Nota al Embajador de Francia, solicitó el consentimiento del Gobierno Español para restablecer la comunicación telegráfica entre aquella plaza y Hong Kong. Y esto es verdad, pero también lo es lo que se pasa á referir. El Almirante Americano había cortado en Manila dicho cable al principio de la campaña. Después de varios inútiles intentos de la Dirección general Española de Correos y Telégrafos cerca de la Compañía concesionaria para el restablecimiento de su servicio, insistió aquella Dirección en 9 de Julio último cerca de la indicada Compañía sobre tal restablecimiento conformándose por parte de España con la absoluta neutralidad del servicio. La Compañía puso esta proposición en noticia del Embajador de los Estados Unidos en Londres para obtener también su consentimiento. Mas este, en 16 del mismo mes, le contestó que su Gobierno preferia que continuase cortado. De esto resulta que si no había comunicaciones directas con Manila por la vía de Hong Kong el 12 de Agosto, en que se firmó el Protocolo, era debido al Gobierno de Washington que hacía un mes que se había opuesto á su restablecimiento. Razón de más, si fuera precisa (que no lo es) para que la ignorancia de la suspen-

sión de hostilidades en que estaben los Generales Americanos al atacar la plaza el 13 de Agosto, no solo no pueda servir de motivo para que los Estados Unidos se aprovechen del acto de guerra entonces ejecutado contra lo que su Gobierno había convenido el día anterior, sino para que tengan que responder de los indebidos perjuicios que aquel acto causó á la otra parte beligerante.

Todos los razonamientos extendidos en el Memorandum Americano sobre el carácter legal que allí se pretende dar á la rendición y capitulación de Manila y á los actos que desde entonces ejecutaron en la plaza y aún fuera de ella, los Jefes de las fuerzas Militares de la Unión, pueden concentrarse en las siguintes afirmaciones:

Primera.—El carácter legal de la mencionada capitulación es el mismo que correspondería á la entrega pacífica de la plaza en virtud de lo convenido en la cláusula 3ª del Protocolo y por esto los derechos que la parte beligerante tiene en la plaza que ocupa como garantía son los mismos que tendría si la ocupara por haberla rendido en acción de guerra, y

Segunda.—La ocupación de Manila, su bahía y puerto convenida en la cláusula 3ª del Protocolo fué una ocupación militar.

La Comisión Española no hubiera creído nunca que tuviera que rectificar errores tan graves si no los leyera estampados en el Memorandum Americano.

Es elemental en la materia que la ocupación de una plaza ó de un territorio convenida entre las partes beligerantes para que sirva de garantía á lo estipulado en un Tratado ó al cumplimiento de una obligación que pese sobre aquella á quien corresponda la soberanía de la plaza ó territorio ocupado, no tiene, ni puede tener, otro título más que el del Convenio mismo en que se halla estipulado. Pero el de la ocupación á viva fuerza de una plaza ó territorio que se rinde por un acto de guerra, tiene un nombre especial y es el de *capitulación*.

Y el denominar así lo convenido en el Protocolo para poner por tal medio á su amparo la capitulación ilegal de Manila después de haberse firmado aquel documento, es un error en que hasta ahora nadie ha, oficial ni científicamente, incurrido y que no consiente el significado, no ya técnico sino vulgar de la palabra *capitulación*. La ocupación pacífica de garantía no dá más derecho á la parte ocupante que el de establecer la guarnición ó conservar las fuerzas militares que considere necesarias en la plaza ó territorio, para tenerlos en su poder entretanto que no se cumple la obligación principal á que la ocupación sirve de garantía. El aprovisionamiento de las tropas de ocupación, es natural que sea á cargo del Soberano del territorio ocupado. Mas aunque este Aprovisionamiento es una condición natural no es esencial del convenio. Por esto, en los casos más notables que se han presentado de ocupaciones de esta especie, tuvo buen cuidado la parte ocupante de estipular, de un modo expreso, la obligación de este aprovisionamiento. Bien conocidos son los casos de ocupación, en concepto de garantía, que hubo en 1815 y 1871 de varios departamentos de la Francia, á la terminación el primero de las guerras del Imperio, y el segundo de la franco-prusiana. En ellos se estipuló, expresamente, que el sostenimiento de las tropas de ocupación había de correr á cargo del Gobierno Francés. Esto no se hizo en la cláusula 3ª del Protocolo de Washington.

Todos los demás derechos de la soberanía, señaladamente la percepción de las rentas é impuestos públicos, continúan en la pacífica posesión del Soberano del territorio ocupado. La parte ocupante tiene que respetar religiosamente tales derechos. La legitimidad de sus actos no

se extiende más allá de lo que sea necesario para el cumplimiento del fin de la ocupación.

De estos elementales principios, que para el caso presente no necesitan mayor desenvolvimiento, resulta que los Estados Unidos, en virtud de lo convenido en la cláusula 3ª del Portocolo, no tenían más derecho que el de conservar en su poder, hasta la Celebracion del Tratado de Paz, la Ciudad, puerto y bahía de Manila, como garantía de lo convenido en dicho Protocolo y por lo tanto, nada más que el derecho de guarnecer dicha plaza, bahía y puerto con las fuerzas necesarias de su Ejército y Marina, pero respetando el ejercicio de la Soberanía de España en ellas en todo lo demás que sea compatible con este derecho de guarnición (que así propiamente es denominada la ocupación de garantía).

Pero la de una plaza ó territorio por un acto de guerra, da más amplios derechos al beligerante que de la una ó del otro se ha apoderado por la fuerza. No adquiere, es verdad, por la conquista, el derecho de soberanía en el país conquistado, pero sí adquiere la posesión y ejercicio provisional de esta soberanía. Mientras la ocupación subsiste, las atribuciones del Soberano en el orden político, en el financiero y aún en el Administrativo, pueden ser ejercidas por el ocupante, aunque siempre con la moderación que requiere el respeto debido á los derechos de los habitantes pacíficos, porque hoy la guerra no se hace entre los pueblos, sino entre las fuerzas armadas de los Estados beligerantes.

Basta con lo dicho para que resalte la diferencia capital que á nadie permite confundir la ocupación pacífica de garantía con la ocupación bélica de la conquista. ¿En qué concepto persisten los Estados Unidos desde el 14 de Agosto en ocupar la Ciudad, puerto y bahía de Manila? En concepto de ocupacion bélica; por haberse apoderado de la plaza á viva fuerza después de firmado el Protocolo. ¿En qué concepto tienen exclusivamente derecho los Estados Unidos para ocupar aquella plaza y su bahía y puerto? En el de ocupación pacífica de garantía, y nada más que en este, por lo convenido en la cláusula 3ª de aquel Convenio. ¿Cómo, pues, cabe afirmar que es indiferente para el caso el carácter de tal ocupación? Es inútil insistir más sobre un punto de los más elementales que hay en la materia del Derecho Internacional de la guerra.

El segundo error que se ostenta en el Memorandum Americano, consiste en suponer que fué una ocupación *militar* la convenida en el Protocolo. Para aquellos que entiendan esta denominación en el sentido de ocupación con fuerzas militares, sin duda alguna será la misma denominación la que aplicarán á estos dos tan diversos casos de ocupación. Mas por quienes, empleando el tecnicismo consagrado por la ciencia y por los Tratados, reserven la denominación de ocupación militar á la ocupación bélica ó sea á la que se hace por la fuerza, no podrá calificarse de ocupación militar, la convenida en el Protocolo.

Es, pues, inútil querer poner al amparo de una denominación común actos esencialmente diversos y cuyas consecuencias legítimas jamás se han confundido. La ocupación de la plaza, bahía y puerto de Manila á que tienen derecho los Estados Unidos por lo convenido en Washington, no es una ocupación militar ó bélica que le haya conferido legítimamente los derechos y facultades que esta lleva en sí misma.

Los Jefes de las fuerzas Americanas en Filipinas, es indudable que participaron del error que en el Memorandum se comete. Se comprende que una vez apoderados de la plaza y mientras no tuvieron noticia de la suspensión de hostilidades, hubiesen comenzado á ejercer todas las facultades y derechos de un ocupante militar ó bélico. Mas, en el Memorandum Americano se reconoce que el 16 de Agosto fueron aquellos

Jefes enterados de la suspensión convenida de hostilidades. Esto no obstante, continuaron ejerciendo aquellas facultades que no tenían y que debían saber que no tenían. En aquella fecha aún funcionaban los organismos de la administración Española. Desde el 16 de Agosto fué cuando las fuerzas Americanas comenzaron á apoderarse "manu militari" de tales organismos y de los fondos, rentas é impuestos públicos así como continuaron reteniendo prisioneras las tropas españolas que se habían rendido el día 14.

Consideramos inútil insistir más en la refutación de errores de tal gravedad ó importancia, cuya única explicación solamente puede hallarse en la triste y dura necesidad de tener que emplearlos como únicos medios de defensa de un punto cuarteado por todos lados.

Y como no hemos podido dar en el Memorandum Americano con razones de mayor solidez que las indicadas entre las que se alegaron contra la proposición española, se considera esta Comisión en el deber de sostenerla y de no poder conformarse por lo tanto, con la conclusión que pone término al sobredicho Memorandum. Con lo dicho podría la Comisión Española dar por terminado este trabajo, si no fuera por el vivo deseo que la anima de buscar, por su parte, medios que removiendo los obstáculos que hoy existen para llevar á cabo la obra de paz encomendada á estas Conferencias, puedan facilitar á ambas Comisiones el desempeño de una misión, que no puede menos de estar en perfecta armonía con los sentimientos de humanidad y patriotismo que por igual ciertamente las anima.

Acéptese la interpretación que la Comisión Americana da á las cláusulas 3ª y 6ª del Protocolo ó acéptese la que sostiene la Española, es, por desgracia, evidente que surge una situación que tan solo la buena fé de ambas partes puede resolver. Ya porque la Conferencia de Paris no tenga atribuciones para ocuparse de la cuestión sobre la soberanía del Archipiélago Filipino, aunque solo por el modo y forma con que es propuesta por la Comisión Americana, ya porque, aunque tales atribuciones tenga tiene también la natural y legítima libertad de ejercerlas en el sentido que la conciencia inspire á sus individuos, es lo cierto que, por hallarse dividida por igual la opinión de estos, sobre el asunto, se hace imposible la solución del mismo. La Comisión Americana seguramente no sostendrá que en el caso de conflicto ó empate de su voto con el de la Española deba prevalecer el suyo para que tenga el carácter de acuerdo de la conferencia en pleno.

Y como los Estados Unidos no llevan sus pretensiones más allá que á que se les reconozca el derecho, que, según ellos, tienen por el Protocolo para *pedir* la soberanía del Archipiélago, pero no *llegan* hasta el extremo de decir que les asiste también el derecho de exigir á la Conferencia que acceda á su petición, imponiéndosela como si fuera un mandato, aparece manifiesta la imposibilidad de que pueda ser atendida la petición del Gobierno Americano, y en su consecuencia la de que este pueda adquirir la soberanía del Archipiélago por el único título legítimo que afirma y reconoce que puede trasmitírsela.

¿Cuales son las consecuencias de una situación tan apremiante é inflexible? ¿La ruptura de las negociaciones? ¿La consiguiente reapertura de la guerra?

¿Habrá quien no se detenga ante consecuencias tan terribles? ¿Habrá quien entienda que no es preferible antes que someterse á ellas acudir á cualquier otro medio que la buena fé no puede menos de inspirar á las partes contratantes?

Y ¿cuál es este medio?

Pudieran muy bien ambas Comisiones acordar que la cuestión rela-

tiva á la soberanía de las Islas Filipinas quedase separada de sus negociaciones y reservada á las que directamente se entablaran entre ambos Gabinetes, pudiendo entretanto continuar deliberando aquellas sobre todo lo demás que ha de contenerse en el Tratado de paz.

Este medio, á primera vista tan sencillo, encierra no obstante graves peligros y señaladamente los mismos que pubieran existir ahora si las negociaciones se rompieran, con la sola ventaja de dilata por poco tiempo su advenimiento. Si las dos Altas Partes no llegasen á un acuerdo, la situación sería igual á la en que hoy se halla la conferencia de Paris.

Para la Comisión Española hay otro medio más sencillo y más seguro, y consiste en que ambas Comisiones acuerden proponer á sus Gobiernos que un Arbitro ó un Tribunal arbitral constituido en la forma en que aquellos convengan, fije el recto sentido en que deben ser entendidos los Artículos 3° y 6° del Protocolo de Washington.

La diferencia de opinión entre ambas Comisiones, descansa principalmente en el diverso sentido que cada una da á aquellos Artículos.

Así resulta de sus respectivos Memorandums.

Pues bien, si en los conflictos de las naciones hay ó puede haber algo que en vez de ser resuelto por la fuerza de las armas, deban los hombres de buena voluntad tratar de resolverlo por la fuerza de la justicia, ó siquiera por los dictados de la equidad es precisamente aquello que consiste en la diversa interpretación que haya surgido al tratar de aplicarse un Artículo de cualquier Tratado en que anteriormente hubieran convenido.

Podrán los Soberanos, por un sentimiento de natural fiereza resistirse á someter al juicio de un tercero todo aquello que afecta á su honor, ó siquiera á su amor propio. Podrán no querer encomendar á un juicio semejante la existencia ó aún la integridad de sus Estados. Pero no se concibe que á la faz del mundo moderno y cristiano prefieran cubrir la tierra de cadáveres é inundarla de sangre humana, á someter su propia opinión en asuntos tan expuestos á la falibilidad de la inteligencia de los hombres, como no puede menos de serlo el sentido que quiera darse á un mero Artículo de cualquier convención que sobre materia libre y agena á las sagradas causas sobredichas haya podido ser celebrada.

Los Estados Unidos, son entre todos los pueblos del mundo civilizado los que, para gloria suya, han tomado la iniciativa y han manifestado más decidido empeño en que se acuda á este medio tan humano, tan racional y tan cristiano, antes que al cruento de la guerra, para resolver los conflictos entre las Naciones.

Ya en 1835 el Senado de Massachusetts aprobaba una proposición, presentada por la Asociación Americana de la Paz, preconizando la creación de un Tribunal Internacional para resolver amistosa y definitivamente las dificultades entre los pueblos.

En 1851 el Comité de Negocios Extrangeros de Washington, por unanimidad declaraba que era de desear que los Estados Unidos insertasen en sus Tratados una cláusula para que diferencias que no pudieran resolverse por la via diplomacia fueran sometidas, antes de comenzar las hostilidades, á la resolución de Arbitros.

En 1853 el Senado aceptaba el voto del Comité de Negocios extrangeros. En 1873, otra vez el Senado, y en 1874 las dos Cámaras, volvían á consignar esta humanitaria aspiración. Y en 1888 en fin, no bastándoles fijar su propria línea de conducta en tan laudable sentido, ambas Cámaras acordaban por resolución conjunta rogar al Presidente, que emplease de tiempo en tiempo su influencia para comprometer á todos

los Gobiernos que con los Estados Unidos sostuvieran relaciones diplomáticas, á someter las cuestiones que entre los unos y los otros pudieran surgir en el porvenir á la resolución de Arbitros.

El caso que se presenta en las conferencias de Paris, espera la Comisión Española que no ha de dar motivo á que los Estados Unidos, apartándose de tan gloriosos precedentes, quieran resolverlo por el último medio que entre seres racionales y libres es tristemente inevitable, siquiera nunca sea lícito, en defecto de otros más humanos, para conservar inalterable la paz entre los hombres.

Está conforme

EMILIO DE OJEDA

[Translation.]

ANNEX TO PROTOCOL NO. 14.

The last paper presented by the American Commission serves a double purpose. On the one hand it is a memorandum in support of its proposition of the 31st of October ultimo, asking for the cession of the Philippine Islands to the United States. On the other hand it is a statement of the reasons why the American Commission refuses to accept the Spanish proposition of the 4th instant, by which it was invited to submit a draft having for its object the fulfilment of the agreements made and entered into in Articles III and VI of the Washington Protocol.

As regards the first point of the American memorandum, to which the Spanish Commission will first give its attention, a reply to its contents will be presently given. As regards the other point, the Spanish Commission will insist on setting forth in the form of a memorandum, as provided by the rules, the grounds upon which its rejected proposition is based.

REPLY TO THE AMERICAN MEMORANDUM.

For the sake of systematic exposition, and moved by the desire to reduce as much as possible the dimensions of the present paper, the Spanish Commissioners feel themselves inclined to deal in the first place with the mortgage debts of the Spanish colonies,—which in spite of its capital importance they would have refrained from discussing again at the present stage of the negotiation of the treaty, if, as it appears, the American Commission had not raised it anew in the last paragraph of its proposition asking for the cession of the Philippine Archipelago.

The Spanish Commission acknowledges the difficulty under which it finds itself to answer this part of the American memorandum,—said difficulty arising out of the grave errors of fact with which said memorandum is strewed, and of the strange doctrines of law which are maintained in it.

The Spanish Commission needs before all to put on record that in its opinion, no language, or even a phrase, improper to a diplomatic discussion, has been used by it. Jealous of the considerations to which it is entitled, it begins by paying religiously those which are due to others, and in its documents it avoids with the greatest care the use of any phrase which might be personally unpleasant to whom it might be addressed, and much more, and with still stronger reasons, any word which might be deemed offensive to those who are and have the right

to be under the protection of the persons with whom the Spanish Commissioners may have to discuss.

The American Commissioners say that they noticed with surprise that the Spanish Commissioners, after having accepted provisionally the articles which the former had proposed in regard to Cuba and Porto Rico, come now and raise again the question of the Cuban debt, reviving a point *which under certain reservations had been expressly abandoned.* And not contenting themselves with such rotund affirmations, they further said that the Spanish Commission in its written answer presented at the meeting of the 26th of October, *had withdrawn* its former observations to the articles of the American Commission.

So far as the said supposed *withdrawal* is concerned, we invite our worthy American colleagues to search with care all the phrases of our written answer, and show to us where it can be found. In the meantime, now as always, we are bound to state most positively that our document does not contain any such phrases, and that it shows, on the contrary, that we had nothing to withdraw, since we continued to maintain our views, subject, however, to what might prove in the future to be best for Spain. And, indeed, as a proof of what we have just stated, and as sufficient answer to the phrases of the American Commission, we shall content ourselves with transcribing here the phrases, wherein the supposed *provisional acceptance* and the *express withdrawal* of the subject of the Cuban debt, are said to be found. "The Spanish Commissioners answer the said question (the question which the American Commission had propounded to them in writing at the meeting of the 24th of October) by stating that, reiterating their conviction that pursuant to law the colonial obligations of Cuba and Porto Rico must follow these islands and their sovereignty, they *do not refuse to consider any articles as to Cuba and Porto Rico which contain no provision for the assumption of indebtedness by the United States or Cuba or both*" (these were exactly the same words of the question which we answered) "subordinating the final approval of such articles to that of the others which are to form the complete treaty," etc. And one of the reasons, set forth in writing, which induced us to the aforesaid answer, was as follows:

"Considering that this treaty is not to be framed, as no other treaty has or ever can be framed, upon the exclusive basis of strict justice, as understood by each party, but also upon the basis of the advantage to be derived by either or by both, thus modifying in harmony therewith the demands of strict law; and that therefore the Spanish Commissioners although understanding that strict law decides the question of the Cuban debt in their favor are in duty bound and are willing to moderate the said strictness in view of the advantages which Spain may derive from other stipulations of the treaty, which without being prejudicial to the United States may be favorable to Spain."

It seems to be very plain that the supposed abandonment, now spoken of in the American memorandum, and the supposed acceptance of the articles relating to Cuba and Porto Rico, were limited to the contingency that the Spanish Commission should understand, from the discussion and approval of all the other articles, that advantages enough were derived by Spain sufficient to compensate a greater or lesser sacrifice of her rights regarding said debts, since if such advantages were not derived the Spanish Commission had no necessity to sacrifice anything, for which reason, it is clear that it could insist upon the recognition of its right.

This being the case, what have been the advantages offered to Spain, up to this moment, in the course of the conferences?

Since the date of that answer the negotiations for the treaty have advanced only one step, and this has consisted in asking Spain, without alleging any reason in support of this request when made, the cession to the United States of the Philippine Archipelago. Does the American Commission understand that this cession is an advantage for Spain? The Spanish Commissioners would not be surprised by hearing this question answered affirmatively, as certain phrases of the memorandum seem calculated to anticipate. But they do not need to say that they do not share that opinion.

The Spanish Commission would have been, therefore, justified in insisting, not indirectly, but directly and principally, upon its claims as to the transmission of the colonial obligations and debts. It has not done this nor does it intend to do so at present; but this has not prevented nor does it prevent it now from not allowing to pass, without contradiction, supposed statements and affirmations, if only that a day may not come when it can be charged with having consented to them, because of failure to contradict them, and expressly refusing its assent thereto.

The American Commission affirms that Spain contracted (it does not say that it used the debt previously contracted) the greatest part of the Cuban debt "*in an effort, first to conquer the Cuban insurgents, and then to oppose the United States*", and then discoursing upon the same theme, it says, "that it has not been denied that a part of these loans was directly used to wage war against the United States." To make such statements it is indispensable to suppose that the dates of the creation of those debts are not known. One debt was contracted under the authority of the Decree of May 10, 1886, that is to say, eight years after the re-establishment of the peace in Cuba, and nine years before the fresh disturbances of the same in that island through suggestions and by means which now are known to the world. The second issue was authorized by Royal Decree of September 27, 1890, that is to say, twelve years after Cuba had found herself in a condition of perfect peace, and at the pinnacle of her prosperity, and five years before the work of her desolation began, through the new rebellion which more or less spontaneously broke out there. And the two Decrees explain also what were the reasons why the said issues were authorized, and what were the expenses to be met by them, the payment of deficiencies in previous and subsequent appropriation bills in the island being prominent among them. It is well known that these deficiencies were due to the great reduction of taxes made in Cuba by the mother country.

Will it ever be said that Spain, through some supernatural gift of divination, foresaw in 1886 and 1890, that in 1895 an insurrection was again to break out in Cuba, and that in 1898 the United States were to lend it their armed protection? Under no other hypothesis the correctness of the phrases of the American memorandum relating to this point could ever be admitted.

And so far as the expenses incurred by Spain owing to the war with the United States are concerned, without doubt the American Commission is unaware of the fact that on the 20th of April of the present year, when the hostilities began, the Spanish Government was still engaged in operations of credit, in the shape of bonds, with the direct guarantee of the custom houses of the Peninsula, to the amount of 1,000 millions of *pesetas*, as decided in 1896 and 1897,—and in other operations to the amount of 223 millions of *pesetas*, as authorized on the 2nd of April,

1898, with the special guarantee of the stamp and tobacco revenues in the Peninsula, as well as the revenue called *de consumo* in Spain,—and that, in order to meet the expenses of the war with the United States, a Royal Decree had been issued on the 31st of May in the present year, authorizing the creation of a 4 per cent. perpetual domestic debt, to the amount of 1,000 millions of pesetas, out of which 806,785,000 were immediately negotiated. Upon acquaintance with these facts, it is to be supposed that the American Commission will not be willing to insist upon the statement so groundlessly made in its memorandum, as it will then understand that the expenses of the war with the United States have nothing to do with the Cuban colonial mortgage debt.

The American Commission advocates once more in its memorandum the strange theory that the Spanish colonies are not bound to pay the debt contracted by the mother country to put down the rebellions whether of few, or of many, of their inhabitants. But this time, it reaches the extreme of putting such a singular doctrine *under the shelter of common sense*, by affirming that a doctrine to the contrary would be a threat to liberty and civilization.

Ah! if the colonists, and the citizens of the Great Republic would have alleged, in justification of a rebellion,—or should allege in the future, in an identical case, an emergency from which that powerful nation is certainly not exempted,—a theory of that kind,—would the American Government have ever accepted it? Will it ever accept it in the future?—What is condemned not by common, but by moral sense, is the attempt to put all rebellion against legitimate authority under the shelter of liberty and civilization. Was Spain, or was she not, the legitimate sovereign of Cuba when the first insurrection broke out, and during the whole term of the second? Has anyone ever dared to deny, or to doubt even, the sovereignty of Spain over that island at the time to which we are now referring? Were not the United States themselves, and their Government, those who day after day urged Spain to put down the rebellion, without excluding the use of arms, and reestablish as promptly as possible the peace in her colony? And if Spain complied with such demands, who, the United States included, can deny the legitimate character of the expenses which, by virtue of that compliance, she necessarily incurred?

A doctrine of this nature, which the Spanish Commission, through considerations of respect, observed thus far by it, and which it has the duty to observe, does not deservedly characterize as it certainly would be by all the constituted Powers of the earth, cannot be advocated in the face of men, except from the standpoint that the authority of Spain was illegitimate, and that her sovereignty was only an arbitrary act of despotism. And is the crown of Spain characterized in this manner, concretely and specifically, for her domination in Cuba prior to the signing of the Washington Protocol? Can this be done above all by the very same nation which urged Spain to exercise her sovereign authority to conquer those who had risen in arms against her in the island?

Let us pass to another subject, as the present is too delicate to be treated with calm and serenity in a diplomatic discussion wherein any attempt is made to controvert it.

In the memorandum which we are now answering, the singular affirmation is made that the mortgage created by the two issues above named can be called more properly a subsidiary guarantee, and that the party principally bound to pay is the Spanish nation. Undoubtedly

the American Commission in making this affirmation had not before its eyes Article II of the Royal Decree of May 10, 1886, authorizing the issue of 1,240,000 hypothecary bonds of the Island of Cuba, or the 2nd paragraph of Article II of the Royal Decree of September 27, 1890, authorizing the issue of 1,750,000 hypothecary bonds of the same island. Both texts read literally the same thing, and it will be sufficient for us to transcribe one of them. Their language is as follows:— "The new bonds shall have the direct (especial) guarantee of the customs revenue, stamp revenue of the Island of Cuba, direct and indirect taxes now levied or to be levied there in the future, and the subsidiary (general) guarantee of the Spanish nation. They shall be exempt from all ordinary and extraordinary taxes, etc."

Nor can the American Commission have seen any of the bonds issued under these authorizations, which are scattered everywhere in the world, Cuba included, and are owned by third parties and private individuals; had it seen them it might have read the following: "Direct (especial) guarantee of the customs revenue, stamp revenue of the Island of Cuba, direct or indirect taxes therein levied or to be levied hereafter, and the subsidiary (general) guarantee of the Spanish nation." "The Spanish Colonial Bank shall receive, in the Island of Cuba, through its agents there, or in Barcelona, through the Spanish Bank of Havana, the receipts of the custom houses of Cuba, and such amount thereof as may be necessary, according to the statements furnished on the back of the bonds, to meet the quarterly payment of interest and principal, shall be retained daily and in advance."

If after this, the American Commission continues to understand that this debt was not contracted as a debt secured by mortgage, and that this mortgage was not placed upon the customs revenues and other taxes of Cuba,—and further that these revenues were not pledged principally and primarily, and therefore prior to the Peninsular Treasury, to the payment of interest and principal, we shall have nothing to say. We are unable to prove what is self-evident.

Turning now to the bondholders and to the severity, in our opinion unjustified, with which they are treated in the American memorandum, we shall say that the duty to defend them does not belong to Spain. When they know what is the opinion entertained about them, it is to be supposed that they will defend themselves, for after all they will not need any great effort to demonstrate the justice of their cause.

So far as Spain is concerned, and here the Spanish Commission proceeds to answer categorically the questions propounded in the American memorandum, it is sufficient for her to defend the legitimacy of her action and her perfect right to create that debt and the mortgage with which it was secured,—and therefore the strict right vested in her not to pay either interest or principal, except upon proof of the insufficiency of the mortgaged revenues, out of which they should be primarily paid. If those who hold those revenues are not willing to comply with the obligations to the fulfilment of which said revenues were pledged, the responsibility therefor will belong to them, and not to Spain, who has neither the means to compel them to comply with that duty, nor is bound to do for the bondholders anything else than what she has honestly done up to now. But Spain, the Spanish Commission says again, (and this is the only thing that she has textually said, although the American memorandum seems to understand it differently,) cannot lend itself in this treaty with the United States, nor in any other treaty with any other Power, to do or to declare in her name anything which may mean, or imply, that she herself has doubts, and much less ignores or volun-

tarily abridges, so far as she is concerned, the mortgage rights of the bondholders. She has no efficient means to cause those who may become holders of the mortgaged revenues to respect those rights. Therefore she does not employ them; did she have them, she would employ them, if not through strict justice, at least through a moral duty, thus following the dictates of probity both public and private. .

The Spanish Commissioners believe therefore to have answered categorically enough the questions propounded to them in this respect in the American memorandum, and this being done they proceed to occupy themselves with the principal point which is dealt with in that memorandum which refers to the sovereignty over the Philippine Archipelago.

According to the American memorandum the cession of the archipelago which is asked from Spain does not rest upon any agreement to that effect made in Article III of the Protocol, as was the case in regard to the Island of Porto Rico in Article II of the same; but on the fact that, according to the American Commission, the matter of the cession by Spain to the United States of America of her sovereignty over those islands was included in the number of those relating to the Philippine Islands which were left to the free decision of the conference of Paris.

The Spanish Commission maintains that such a grave subject, undoubtedly the most important of all which it is called upon to discuss, far from having been entrusted to the Paris Conference, is shown by Article III of the Protocol to have been left beyond its scope, as said Article rests upon the basis that the sovereignty over that archipelago should continue to be vested in Spain.

The American Commission tries to find an argument in support of its views in the construction that it places upon the language of Article III, and also upon the negotiations which preceded the Protocol and culminated in its acceptance.

We shall examine with cold impartiality the reasonings upon which this thesis is founded.

The American Commission says that it is a principle of law that "when the result of some negotiations has been embodied in a written compact, the terms of such agreement shall settle the rights of the parties."

The Spanish Commission accepts this rule of interpretation of the treaties, if it has, as an indispensable condition, the fact that the terms of the agreement are clear, precise and of settled and indubitable meaning, because it must be understood in that case, that all the differences which presented themselves during the negotiations between the contracting states were set at rest by the clear, precise and explicit agreement entered into by them.

But, is this the case with the subject now discussed by the two Commissions?

Before answering this question, the Spanish Commission deems it to be advisable to transcribe once more the text of Article III of the Protocol, literally and faithfully translated from its French original. It reads as follows: "The United States shall occupy the city, harbor and bay of Manila, pending the conclusion of a treaty of peace which shall determine the intervention (*contrôle*), disposition and government of the Philippine Islands."

The Spanish Commission does not know whether the American Commission is, or is not, conversant with the fact that when the Government of Madrid received from the Washington Secretary of State his despatch of July 30, setting forth the conditions, upon the acceptance of which the United States were disposed to conclude the peace,—the

third of which was subsequently transcribed without any change in the Protocol, and forms Article III thereof,—it sent a telegram to Mr. Cambon, Ambassador of France in Washington, dated August 1, in which, referring to this point, it literally said the following: "The third point in which the form of disposition of the Philippine Islands is determined seems to this Government to lack precision. It (the Spanish Government) has supplied the deficiency to be noticed in it, on the supposition that there is no question in regard to the permanent sovereignty of Spain over that archipelago, and that the temporary occupation of Manila, its harbor and its bay by the Federal Government shall last only the time which may be necessary for the two countries to reach an agreement as to administrative reforms." We have this despatch at the disposal of the American Commission, should it wish to read it and study it.

Upon the receipt of this document Mr. Cambon had a conference (August 3) with the President of the American Republic, and the portion thereof which refers to the point now dealt with by the Spanish Commission, was couched by the French Ambassador in his despatch of the 4th of August in the following language: "I availed myself of this declaration to request the President to have the kindness to state as precisely as possible his intentions in regard to the Philippine Islands. On this point, I told him, the answer of the Federal Government is couched in terms that may lend themselves to all claims on the part of the United States, and consequently to all apprehensions of Spain in regard to her sovereignty." The President replied to him, as will be hereafter explained. But the Spanish Government, notwithstanding the language of the President, reiterated in its despatch of August 7 the doubts entertained by it about the meaning of Article III. Useless reiteration. Neither then, nor before, nor afterwards, has the American Government ever consented to give a concrete form to the idea involved in the phrase "*control*, disposition and government" of the Philippine Islands, to be determined by the Paris Commission. Now, for the first time, it has come to give an explanation. In the memorandum to which the Spanish Commission is now giving an answer, the American Commission has set it forth. It says: "Certainly the word *control* was not used here in the sense of 'register' or 'inspection', but in its broader sense of 'authority or command'. What word could be broader than 'disposition', which has practically the same meaning in both the French and the English languages? We have in these two words, then, authority over, dominion of, final and ultimate destination of the subject matter. What is government but the right of administration, or exercising sovereignty, the direction, the political management of a state? Either of these terms implies power of interfering with sovereignty. Taken together, they give the fullest scope in dealing with all power, governmental, territorial and administrative."

The explanation, besides being as it appears inopportune by reason of its tardiness, seems also to be unsatisfactory. It occurs, at once, that if the American Government used those words in the sense aforesaid, which it never explained in spite of the repeated requests made to it for that purpose, what was the reason why it did not show at that time the frankness now displayed by its Commission? Why instead of stating that the Paris conference should determine the control, disposition and government of the Philippine Islands did it not say that said conference should decide about the sovereignty over said islands, by agreeing or disagreeing as to their cession to the United States, as now

demanded by the American Commissioners, on the ground that such a cession is also embraced in those phrases? Would not this have been briefer, more explicit and more frank?

But, is it possible to accept the construction placed now, out of season, by the American Commissioners upon the said phrases? They say that the word "control" (*contrôle* in French) cannot be taken in the sense of register (investigation or inspection), but in the sense of authority or command. And why? Because this is the broadest meaning of the word in the English language. But the American Commissioners have failed to notice that the Protocol was also written in French, that the Secretary of State at Washington affixed his signature to the official copy so written of the instrument, and that the word "contrôle" in French does not mean what is claimed, but only, as also in English, investigation or inspection. But how can the American Commissioners fail to recognize that when a treaty has been officially drawn in two or more languages, its words cannot be given a sense different from the one which is common to them in those languages?

They also state that the word *disposition* means alienation. We do not deny it, although when the term is used in that sense it is always in connection with legal business in private civil life, because in French the most usual meaning of the word is "distribution according to a certain and determined order."

They affirm that the word *government* means the right of administering or exercising sovereignty: and although it is true that such a sense can be admitted, it is also true that the meaning of "manner of governing", or of "form which may be given to the government" cannot be rejected.

But whatever the sense may be in which the said three words were used in the third article of the Protocol, even if sufficient information could not be found in the record of the negotiation to fix the true sense in which they were used, it is impossible not to see, as has been proved, that the said words do not possess in themselves a clear, precise meaning, incapable of lending itself to doubts or ambignities. So it was already demonstrated by actual facts.

The Spanish Government and its representative in Washington, on the very ground that the said words lacked clearness, asked, although uselessly, for explanations. And who insisted with real stubbornness upon retaining such obscure phrases? It cannot be denied that it was the Government of Washington. Let the American Commissioners be pleased to read what the immortal Vattel, one of the greatest authorities on all things referring to international relations, says in his Law of Nations, Vol. III, page 197. "The doubt must be resolved against the one who has given the law in the treaty, because he is in some manner the one who dictated it, and it is his fault if he has not expressed himself with more clearness. By extending or restricting the meaning of the words in the sense which is less favorable, no injury is done to him, other than that which he was willing to incur. But by making the interpretation otherwise the risk would be run to convert vague or ambignous terms into bonds to tie up the feebler of the contracting parties, who was compelled to receive what the stronger dictated."

The Spanish Commission has just stated that the record of the negotiations contains sufficient data to fix the true sense of those three very memorable words.

The American Commission, on its part, affirms the same thing. Let us see, then, to which of the two contradictory constructions, adhered to by either Commission, must be given preference.

It is stated in the American memorandum as the basis upon which, as has already been said, the whole reckoning thereof is founded, that in Article III of the Protocol the point relating to the sovereignty over the Philippine Archipelago was left to the free decision of the Paris conference to which the framing of the treaty of peace was entrusted. But has the American Commission taken into consideration, when making such a grave affirmation, that the Washington Secretary of State, in his despatch of July 30 last, in which he communicated to the Spanish Government the three conditions imposed upon the latter by the United States, before consenting to reestablish peace, and in which Article III was, as before said, couched in the same language which was afterwards used in the Protocol, provided also for the appointment of Commissioners to frame the treaty of peace, and fixed and circumscribed their powers in that respect? In that despatch the following paragraph occurs: "If the terms hereby offered are accepted in their entirety, Commissioners will be named by the United States to meet similarly authorized Commissioners on the part of Spain for the purpose of settling the details of the treaty of peace and signing and delivering it under the terms above indicated." Does the American Commission understand that the unexpected demand of the cession by Spain of an immense territory, the area of which exceeds 300,000 square kilometres, and whose population is over 9,000,000 of inhabitants, is a *detail* in this treaty of peace? Do they understand that the acquisition of an archipelago, whose importance as a factor in the near future for the peace of the world is no secret for anyone, can be called a detail?

But let us go to the record, as the American Commission does, and search for light as to the meaning of those ambiguous words.

The American Commission narrates how the negotiations began. We agree with its narrative up to the point relating to the first conference between Mr. Cambon and the President of the United States. The memorandum says that in that conference the President said in regard to the Philippines that the note (the cited note of July 30) expressed the purposes of his Government, and that the final disposition to be made of those islands should depend upon the treaty to be negotiated by Commissioners. That after a subsequent discussion in which the President reiterated that the treaty should determine the future of the Philippine Islands, Article III was read in which it was stated that the Commissioners should decide about the *contrôle*, the *possession* and the government of those islands; that Mr. Cambon proposed the change of the word *possession* into the word *condition*, because he thought the former could be construed by Spain as threatening and severe; that the President refused to consent to the proposed change, but at last was induced to admit the word *disposition* in place of the word *possession*, which, according to the American Commissioners (we do not know whether on their own personal opinion or on opinion expressed by the President) did not change the meaning, and which, for having so much amplitude, might also embrace possession.

Let us see now how Mr. Cambon relates what happened in that conference. In his despatch of the 31st of July he said to the Spanish Government what follows:

"The demands formulated in Article III (I said to the President) are apt to endanger in Madrid the success of this preliminary negotiation, especially if the word *possession* is retained in conjunction with *contrôle* and *government of the Philippine Islands*, as it seems to put in doubt from this moment the sovereignty of Spain over that colony. You will

notice, the President of the Republic then told me, that my demands as set forth in Articles I and II, admit of no discussion; I leave it to the negotiators to decide the question of the Philippine Islands. If the American forces (let full attention be paid to these phrases) retain up to now their respective positions, it is in obedience to a duty imposed upon me, in favor of residents and foreigners, by the progress * * * (Here are some words which could not be translated, but which are easily understood to mean the Tagalo insurrection.) Seeing that the President of the Republic was firm in not changing the terms of Article III, I made such an urgent appeal to his generosity as to secure his order to use the word *disposition* instead of *possession*, as the former does not prejudge the result of the negotiation, and has not the comprehensive meaning which belongs to the other word."

The American Commissioners will notice, no doubt, that between the two relations there are many differences. In their own narration nothing is said in regard to the only reason alleged by the President not to cause at once the American forces to be withdrawn from the archipelago, a reason which reveals that the President at that moment was very far from thinking that the sovereignty over that territory should be asked to be transferred to the United States. According to the American narration the word *disposition* was accepted because it contained the meaning of the word *possession*. But according to Mr. Cambon's despatch the word *disposition* accepted in place of *possession* changed the comprehensive meaning of the article. And be the American Commission or Mr. Cambon right or wrong, the result is that the latter accepted the change because he understood that all question about the sovereignty of Spain over the Philippine Islands was thereby eliminated.

On Friday the 3rd of August the President held another conference with Mr. Cambon. The memorandum reads that the latter stated at that time that Spain insisted upon the point that her sovereignty should not be interfered with; that the President replied that the disposition of the Philippine Islands should depend upon the treaty to be negotiated; and that he could not make any change in the terms previously proposed.

Let us see now how Mr. Cambon narrates, in his despatch of August 4 to the Spanish Minister of State, what passed at this interview.

"Mr. McKinley showed himself unyielding (regarding the cession of Porto Rico) and he repeated that the question of the Philippines was the only one which was not as yet finally settled in his mind." After narrating his insistence with respect to the phrases which are already embodied in this memorandum, Mr. Cambon continues: "Mr. McKinley answered me: 'I do not want any misunderstanding to remain on this subject; the negotiators of the two countries shall be the ones to be called upon to decide what are to be [note this] the permanent advantages we shall ask for in the archipelago, and, finally, those to decide the intervention (*contrôle*), disposition and government of the Philippine Islands. And', he added, 'the Government of Madrid can rest assured that up to the present nothing against Spain has been settled *a priori* in my own mind, as I myself consider that nothing is decided against the United States'." (Verbatim.)

Compare one narration with the other. That of the American memorandum confined itself to the statement that the President had said that the *disposition* of the Philippine Islands should depend upon the treaty, and that he could not make any change in the words. But it omits the second and most important part of Mr. Cambon's conversa-

tion as narrated by him, although it contains information capable of removing all doubt in regard to this question. It is to be noticed, in the first place, that while the word sovereignty used in connection with the Philippine Islands is carefully avoided, both in this answer and in the former one and in the notes of the American Government, the same pains are taken by the Spanish Government and by its representative in Washington to use the very same words and unceasingly repeat that the Spanish sovereignty was not under discussion. Let this remark be united to the others already made in regard to the persistent and clear although implied refusal to explain the meaning of the words above mentioned.

But in spite of all this, the President said, and the American Commission does not categorically deny it in its memorandum, that the Paris conference should be the only one called upon to decide as to the permanent advantages to be asked by the United States in the Philippine Archipelago, and as to the *control*, *disposition* and *government* of the islands.

The memorandum says that the President did not confine himself to speaking of permanent advantages. It is true that the Spanish Commission has not said, nor does it say now, that he confined himself to that point, for he added what has just been referred to. But what has this to do with ignoring the meaning of the words of the President? If his mind, already fully made up at that time, was to ask of the conference not merely one but several permanent advantages to be enjoyed by the United States in the archipelago, it is self-evident that he did not think of asking for the sovereignty. Could the latter ever be considered as a permanent advantage of the United States in those islands? And even though so singular a hypothesis were upheld, how could the plural number used by the President of the United States be properly explained? To this observation already made in the preceding paper of the Spanish Commission no answer has been given in the American memorandum, and the reason is that none can be given which can harmonize with the purposes it is there attempted to uphold.

We cannot occupy ourselves with the indications made in the memorandum about the different languages spoken by both interlocutors in the aforesaid conferences. Such a circumstance cannot impart any probability to the supposition that the President did not express, not an incidental idea, but the important and capital statements which Mr. Cambon asserts he heard. If Mr. Cambon did not understand what the President said, although, as stated in the Memorandum, he had at his side his own Secretary who understands and speaks the English language, nevertheless he cannot be supposed to have attributed to him, without deliberately violating truth, such positive language as that recorded in his despatch.

Let us pass now to the note of the Spanish Government of August 7. The American Commission concurs with the Spanish that in said note the Government of Madrid, upon stating that it accepted Article III, reserved *a priori* its sovereignty over the Philippine Archipelago; therefore we deem it unnecessary again to transcribe its contents verbatim. The only difference existing between the two Commissions lies in that while the Spanish Commission asserts, and reiterates this assertion, that in the note of its Government, on referring to the sovereignty therein reserved for Spain, the adjective "entire" or "whole" was employed, the American Commission says that there is no such adjective in the English translation of the note which Mr. Cambon delivered to the Government of Washington. We have the copy, not the trans-

lation, as it is called in the American memorandum, of the original note of the Spanish Government, which we place at the disposal of the American Commission. Therein appears the adjective. If when the translation thereof into English was made in Washington it was omitted, it is a matter with which the American Commission is acquainted, as it has seen such translation; but the Spanish Commission, who never had knowledge of it, cannot but be ignorant of it. The difference is of no importance whatever, since, leaving the said adjective out of the question, the truth is, and the American Commission acknowledges it, that the Spanish Government reserved therein *a priori* its sovereignty over the Philippines, and that it only accepted Article III with this reservation. And if the Spanish Government did not change its mind afterwards—and this in fact is not asserted, nor would such an assertion be possible, in the American memorandum—the result must always be that the Protocol and its 3rd Article do not in good law bind the Spanish Government save with the express reservation it made on accepting it, and which it did not subsequently withdraw.

But in the American memorandum, doubtless recognizing the incontrovertible force of the consequence which grew out of the Protocol having been signed without the Government of Washington, once apprised of such reservation, making any objection thereto, it is stated that the President of the Union as well as his Secretary of State, on hearing the said note read, remarked that it was vague and indefinite, purporting to accept the terms of that of the United States, while it required some modification, and, as regards the Philippines, while in one paragraph it stated the acceptance of the article, in another it seemed to retain the full right of sovereignty. The argument is skillful, but unfortunately its accuracy is not as apparent as its skillfulness. It is true that the said gentlemen showed their dissatisfaction upon the note being read to them. What is apparently inaccurate, judging from what Mr. Cambon then said, is that the cause of the dissatisfaction was what was said, *not vaguely and indefinitely, but clearly and explicitly*, in the note as to the reservation which Spain made of her sovereignty over the archipelago. The very American memorandum transcribed the paragraph in interest of the note, and therein this reservation appears, not vague and uncertain, but express, clear and explicit. The cause for his dissatisfaction at the time given by the President was a very different one, which Mr. Cambon refers to in the following paragraph from his despatch of August 10. Here it is:

"DUKE: Again has it been at the White House, in the presence of Mr. McKinley, and at his express request, that I have communicated to the Secretary of State the telegram (the note aforesaid) of August 7, in which Your Excellency declares that the Government of Spain accepts the conditions imposed by the United States. This reading visibly displeased the President of the Republic and the Secretary of State. After a long silence Mr. McKinley said to me: '*I had asked of Spain the cession, and consequently the immediate evacuation* [we have been unable to ascertain when this immediate evacuation was requested] *of the Islands of Cuba and Porto Rico. Instead of the categorical acceptance I expected, the Spanish Government addresses me a note in which it invokes the necessity of obtaining the approval of the Cortes. I cannot lend myself to going into these considerations of an internal nature.*' I observed that the Government of Her Majesty in complying with its constitutional duties did no more than follow the President upon whom like obligations are imposed, and that in his reply of July 30 he had expressly reserved the ratification by the Federal Senate." (This is the fact, and so it appears from said despatch of July 30.)

Neither the President nor his Secretary of State advanced any reason for their displeasure other than the foregoing, and, according to Mr. Cambon, these gentlemen said nothing during the conversation respecting the said reservation made by Spain of her sovereignty over the archipelago, nor regarding anything else whatever save the reservation of the Spanish Government as to the approval of the Cortes.

Thus the President ended by answering Mr. Cambon, who questioned him as to the pledges of sincerity Spain might give, as follows: "There might be a means of putting an end to all misunderstanding; we might draw up a *projet* which shall reproduce the conditions proposed to Spain in the same terms in which I have already framed them. [up to this time this was in effect all that had been agreed upon] *and which shall establish the terms within which there shall be named on the one hand the Plenipotentiaries charged with negotiating the treaty of peace in Paris, and on the other the special Commissioners entrusted with the determining of the details for the evacuation of Cuba and Porto Rico.*" (The incorporation of this was overlooked in the note of July 30, and this alone would have been sufficient to explain the change in the framing of the conditions of peace.)

See, then, if there is not an immense difference between what is stated in the American memorandum and what Mr. Cambon said to the Spanish Government in his note of August 10, or, immediately after having been present at so important a conference, and when, consequently, what occurred thereat was fresh in his mind. Doing justice to the absolute truthfulness of the American Commissioners, their account of that conference, three months after it was held, cannot be preferred by the Spanish Commissioners to that of Hon. Mr. Cambon, who gave his immediately after the happening of the event, which he so minutely recounted in his despatch.

It is denied in the American memorandum that the Secretary of State of Washington stated in his note of August 10 to Mr. Cambon, as the Spanish Commission had asserted, that the note of the Government of Madrid (that of August 7) contained in its spirit an acceptance by Spain of the conditions imposed by the United States, and in this connection the said note is inserted literally.

The Spanish Commission corrects its former assertion, accommodating it to the above. But it is due to it to say that on making the assertion it referred to the note of Mr. Cambon of August 11, which begins with the paragraph following:

> DUKE: Upon transmitting to me the draft of the Protocol, the text of which I have wired Your Excellency, the Secretary of State addressed me a note which may be epitomized as follows: Although the note delivered yesterday at the White House conveys in its spirit an acceptance by Spain of the conditions proposed by the United States, in its form it does not so specify with sufficient explicitness, owing doubtless to its having to be translated and put in cipher several times.

These words, which may well be explained without detracting from the unquestioned veracity of the Hon. Mr. Cambon, led, as they could not but do, the Spanish Commissioners into error. They nobly comply with the duty of so admitting.

But after all the difference is unimportant. The Secretary of State (and this certainly does appear from his own letter) raised no objection to the Spanish note of August 7, other than that it was not entirely explicit, undoubtedly due to the various transformations which it had undergone. But the fact is that the Secretary of State could not possibly have directed his objection to the paragraph of said note, perfectly well translated into English (save the adjective "entire"), which is

copied in the American memorandum, and which it is said was read to the President of the American Union and his Secretary of State, wherein the Spanish Government clearly, explicitly and conclusively reserves *a priori* its sovereignty over the Philippines. All the remaining contents of the note may be little explicit, if it is wished so to assert, but that reservation was not, surely. Therefore the note to which we refer does not contradict the statement we are supporting, that the said reservation, of which the Government of Washington was opportunely apprised and which appears so clearly in the English translation in its possession, was not by it contradicted, nor did it serve as a reason for employing the new form of Protocol as a means of solemnizing the agreement upon the bases of peace. This reason clearly stands out in the documents already examined which said negotiations embody.

In view of the foregoing, it seems to us that whatever may have been the real intentions of the Government of Washington, its acts and its written and spoken words do not suffice to overcome the assertion we make that Spain accepted the 3rd article of the Protocol in the sense communicated to that Government, and not contradicted by it, that its sovereignty over the Philippines was preserved* (reserved) *a priori*, since their control, disposition and government, which were to be determined by the Paris conference, referred only to their internal régime. And this, of itself, would be sufficient to maintain without fear of successful contradiction that this conference cannot consider, nor has it the power to consider, the cession asked by the United States, even though in the hypothesis to our mind impossible that the proof, drawn from the very words of the President of the Union, which we have attempted to furnish and we think we have furnished that in his own mind at that time the said sovereignty was beyond all subsequent discussion, should be destroyed.

What is the Spanish Commission to say with respect to the words it reads in the American memorandum which seem to seek in a war indemnity a ground for their present request; as though this were not excluded from discussion, and it had not been acknowledged by the very American Commission that it had been agreed to cover this indemnity for the expenses of the war, and not only these but also the claims of American citizens, the majority of which, if not all, natives of Cuba, although apparently later naturalized in the United States, who had suffered injuries in the last insurrection, by the cession of Porto Rico, the other West Indies, and the Island of Guam in the Mariana?

Or, is this indemnity to be an open account in which it shall be proper to ask all that remains to Spain, including the Peninsula itself?

Certainly the limiting of the indemnity to the Island of Guam in the East is another indication which proves that the United States did not think at the time of the Philippine Islands. If they did, is it conceivable that they would then claim, at the outset, a small and insignificant island and fail to claim the immense Philippine Empire which was so near to it?

Be it acknowledged, then, that the demand or request for the Philippine Archipelago which is made for the United States in the form and

* The Spanish text here is "*a priori* quedaba á salvo la soberanía",—in English "the sovereignty was *a priori* or from the beginning left in safety, or preserved, or conserved." In the foregoing page the Spanish text instead of "quedaba á salvo," reads *reserva*. [Note of translator.]

under the conditions set forth in the American proposition, lacks foundations. While this cession is claimed in such form and under such conditions, the Spanish Commission cannot but decline it.

MEMORANDUM IN SUPPORT OF THE LAST SPANISH PROPOSAL.

It will be remembered that, in that proposal, the Spanish Commissioners asked that the American Commissioners should present another adjusting the same to the stipulations of Articles III and VI of the Protocol, that is, expounding the form of intervention, disposition and government which should be established by Spain in the Philippines, the return of the city, bay and harbor of Manila, the release of its garrison, now held as prisoners, the refunding of the public moneys, revenues and imposts which might have been collected up to the time when the city might be delivered, and the undertaking or say the acknowledgment on the part of the United States of the obligation to indemnify Spain for the detention of the troops that garrisoned the city when it surrendered on the 14th of August last.

The American Commission has rejected that proposal because in its judgment the aforesaid Articles III and VI of the Protocol do not demand that it be presented.

With respect to the first part which refers to the intervention, disposition and government of the archipelago, all attempt to demonstrate here that Article III is not in accordance with the American proposal which, instead of addressing itself to the internal regime of these islands, asks their cession to the United States, would be a mere repetition of the statements set forth by the Spanish Commission in the preceding part of this paper.

It is believed that its arguments show with the clearness of noon-day that the cession of those islands which is in every respect foreign to the provisions in the Washington agreement is one thing, and that the internal regime of the said islands, which under the aforesaid Article III may and must be a matter for the treaty of peace, is another.

The Spanish Commissioners would then be remiss in their own convictions if they did not persist in requesting the American Commission to present a proposal concerning said regime in which the 3rd Article of the said agrement will remain unbroken, not only in its meaning but also in its intent.

In the first paragraph of the proposal with especial reference to the capture of Manila the immediate return to Spain of the city, its bay and harbor is demanded.

By way of rectifying here one of the misapprehensions of fact that abound in the American memorandum, we have to put it on record that the Spanish proposal did not demand that immediate return, nor the immediate execution of anything set forth in the following paragraphs of the proposition, which contain nothing to be instantly done. The immediate delivery was, as it could not otherwise be, to be effected upon the conclusion of the treaty of peace. So conclusive is the proof that the Spanish Commissioners were bound to suppose that they should never be called upon to make this rectification. The first paragraph of the aforesaid proposal reads as follows: "The Spanish Commissioners therefore in accordance with the express stipulations of the Protocol understand that the treaty of peace must provide for, first the delivery, etc." If this was to be agreed upon in the treaty of peace, how can it be supposed that the Spanish Commission should ask that the delivery be effected before it was agreed on?

We shall now clear this memorandum of difficulties by making two rectifications of a personal character before taking up the discussion of the point bearing on the surrender and capitulation of Manila and their consequences. There is not in the Spanish memorandum to which the last American memorandum is a reply, a single sentence that assails or wounds the respectability of General Merritt and Admiral Dewey. The American memorandum would intimate that the idea is suggested with more or less ability in the Spanish memorandum that the military commanders of the Union conquered the city of Manila by the force of arms on the 13th of August when they already knew that the suspension of hostilities had been agreed on. This is an error. The Spanish Commission did not use, is not in the habit of using, cunning of any kind to conceal its sentiments. If it had believed that these generals had broken the armistice after receiving notice of its conclusion, it would have said so openly. By so doing it would not have been lacking in the regard which these commanders deserve, in the same way as it occurred to no one in 1871 that it was a lacking of the regard due to the German General de Manteuffel to charge him with the offence which he committed when, after a partial armistice between the French and German forces had been signed, he availed himself of the mistake made by General Clinchant upon the extension of the said armistice, and surrendered the army corps under his command and compelled it to take refuge in Switzerland. We have said nothing, we have nothing to say against the personal behavior of these two commanders. On the contrary we can state a fact that redounds to the credit of the fine sentiments of the Admiral. On the 1st of May, he sent to the Governor General of Manila from the Olympia, perhaps under the intoxicating influence of victory, a communication which read as follows: "If all the vessels, torpedo-boats and warships under the Spanish flag do not surrender immediately, Manila will be destroyed."

We presume that this communication will have no place in the chapter of history in which are recorded the services rendered to the cause of humanity of which there is so much ostentation in these days. But we take pleasure in acknowledging that the author of this draconian order, refrained, in the spontaneousness of his kind feelings, from carrying it out, although he might have had the power to attempt it.

This cannot prevent us from not carrying the favorable opinion to which the honorable commanders are personally entitled to the point of considering ourselves obliged to them for their deliberately postponing the surrender of the city until the 13th of August for the purpose of "protecting the city and the Spanish residents against the awful vengeance of the insurgents". This purpose does not seem comprehensible; in the early days of May the insurgents were not yet besieging from the land side the city, which was only blockaded from the bay by the American fleet. They began afterwards and not with the same numbers of forces from the outset, since these were increased little by little, until they made up the masses of insurgents who were in front of the trenches of defence on the day of the surrender. So that if the American commanders had not taken possession of the city until then for the reason above mentioned, they should much less have done so thereafter. But besides this, it is demonstrated by the fact that such a danger did not exist, for it could at all times have been avoided by the American forces which upon the surrender of Manila should have landed in and garrisoned the city, in the same way as it was avoided after the 14th of August, in spite of the fact that as above stated the

insurgents in arms who prevailed outside of the city were in larger numbers.

It may thus be seen how it is no sin of ingratitude to fail in recognizing that supposed service at the hands of the aforesaid commanders, without this being in any way a hindrance to the favorable opinion to which their personal behavior entitled them.

On the other hand, the American memorandum in its reference to the unexpected surrender and the exit from Manila of the general in command of the Spanish troops on the evening before the surrender, uses a word altogether irreconcilable with the honor of a soldier. Whatever may have been the conduct of that commander, he is under the protection of the law and tribunals of his country, which will look into his actions for the purpose of approval or disapproval as the case may require; but he is not at the mercy of anyone else and, above all, of opinions of an official character that would be delivered abroad and by foreigners.

We have laid down in the second part of this memorandum that in the so often cited 3rd article of the Protocol the occupation by the forces of the United States of the city, harbor and bay of Manila until the conclusion of the treaty of peace had been agreed upon merely by way of a guaranty. It is therein demonstrated that the Government of Madrid accepted this occupation in that sense, without express contradiction on the part of the Government of Washington.

It seems that in the American memorandum it is endeavored to inject the idea that such occupation should likewise have the character of an indemnity for the expenses of the war, based on the fact that in the note of July 30, in which the Secretary of State communicated to the Spanish Government the three conditions upon which peace could be restored, after saying in the second that by way of such indemnity Spain must cede Porto Rico, the other West Indies and the Island of Guam, the 3rd article began with the words: "On similar grounds the United States is entitled to occupy the city of Manila, etc." At first sight the argument is not wanting in force; but the American Commissioners know perfectly well that this is only apparent, and that what did occur proves absolutely the contrary. Although the Spanish Government in its note of August 7 and its representative in the conferences with the President of the Republic, stated and insisted that the occupation of Manila was to have no character other than that of a mere guaranty, the said words are suppressed in the Protocol. So that the latter failed to express any connection between the future occupation of said place and the payment of the war indemnity, and moreover it failed to state that the United States were already entitled to occupy it. Doubtless, for this reason, the idea is only hinted at, but not developed, nor categorically asserted in the American memorandum.

The Spanish Commissioners acknowledge having been agreeably surprised on noticing that in this document the American Commissioners do not allege, as had been alleged by the American Government on replying to the note of the Spanish Government of September 7 last, the peremptory reason that the suspension of hostilities, according to the 6th Article of the Protocol, ought not to go into effect immediately upon the concluding and signing of this instrument, but after notice thereof to the commanders of the hostile forces, an allegation which was made notwithstanding the fact that a point of such importance had been expounded, reasoned and demonstrated with all care in the Spanish document to which that reply was given. This action of the American Commissioners proves their sound judgment and learn-

ing in the premises, because it is equivalent to an implied recognition of the validity of the Spanish view on the subject, which, after all, is elementary and which as a current doctrine has never been attacked by anyone.

Nevertheless they endeavor, upon arguments analogous to those set forth in the said reply of the Government of the United States to the note of the Government of Madrid, of September 7 last, to invalidate the Spanish claim as to the capitulation of Manila, for being tardily made. The Spanish Commissioners are unable to see the force of this argument. The Government of Madrid formulated this claim with every solemnity in the said note, or in other words, twenty-three days after the capitulation of Manila. What laws or practice justify holding a claim of this kind as forfeited, when not presented before the twenty-third day subsequent to the act giving rise to it?

Entering into the field of the intentions of the Spanish Government, it is stated further that the latter supposed that the above act of war had been perfectly correct, when a few days later it requested of the American Government permission to transport provisions to the Philippines and reestablish its regular mail service. When this occurred, the Spanish Government was still ignorant of the events which had taken place on the 14th of that month in Manila. The American Commission also leaves it to be understood that this is so. But even if the Spanish Government had been cognizant of those events, what *permission* is that which it is supposed the Spanish Government requested? What happened was only what could not fail to occur between Governments which, although enemies, observe at all times the duties which uprightness imposes upon all.

The *status quo* growing out of the suspension of hostilities prohibited each of the belligerents from improving his situation to the prejudice of the other while such *status* lasted. The Spanish Government, like any other which does not wish to fail in its said duties, was bound to communicate to the American Government, acting in concert with it, the reestablishment of the service which existed prior to the war. The Government of Washington acted in the same way when on August 16 it requested the consent of the Government of Madrid to reestablish the telegraphic service between Manila and Hong Kong.

Let it be acknowledged then that the claim of the Spanish Government was lodged in time, and that even if it had not been then presented, its Commission was authorized to make it now, since it is empowered to ask for everything that shall lead to a faithful and strict carrying out of the convention of Washington.

It is therefore settled, since it has not been contradicted in the American memorandum to which this is a reply, that the suspension of hostilities agreed upon in the 6th Article of the Protocol went into legal effect immediately after the latter was signed on the afternoon of August 12 of this year. And let it be borne in mind that "if there is one rule of the law of war more clear and peremptory than another, it is that compacts between enemies, such as truces and capitulations, shall be faithfully adhered to, and their non-observance is denounced as being manifestly at variance with the true interest and duty, not only of the immediate parties, but of all mankind". The American Commissioners will not repudiate these words as they are those of their learned countryman, the eminent Wharton, in his Digest of international Law, made up of passages taken from Presidents, Secretaries of State, decisions of Federal Courts, and opinions of Attorneys General.

Have the provisions of the 6th Article of the Protocol been observed

with this scrupulousness? On the 13th day of August the city of Manila was bombarded and on the 14th it surrendered.

The Spanish Commissioners have no reason whatever for asserting that the Commanders of the American forces knew that the hostilities were suspended. But it is a fact that the said hostile act was executed after this suspension.

And in this connection the Spanish Commissioners have to complete the short history recounted in the American memorandum, regarding the reestablishing of the Manila cable. It is stated therein that it was the Government of Washington which, on August 16, through a note to the Ambassador of France, requested the consent of the Spanish Government to the reestablishment of telegraphic communication between that place and Hong Kong. This is true, but so also is what is about to be related. The American Admiral had cut the said cable at the beginning of the campaign. After several fruitless efforts of the Spanish Director General of Posts and Telegraphs with the concessionary company looking to the reestablishment of its service, on July 9 last the said Director insisted on the reestablishment, agreeing on the part of Spain to the absolute neutrality of the service. The company brought this proposal to the notice of the Ambassador of the United States in London, in order also to obtain his consent. But the latter on the 16th of the same month replied that his Government preferred that it remain cut. It results from this that if there was no direct communication with Manila, via Hong Kong, on August 12, when the Protocol was signed, it was due to the Government of Washington, which one month before had opposed its reestablishment. This is another reason, were it necessary (which it is not) to prove that the ignorance of the American commanders, when attacking the place on August 13, of the suspension of hostilities, not only cannot serve as a reason for the United States to profit by the act of war then executed in violation of what their Government had agreed to the previous day, but furnishes a ground upon which to base a claim for the unjustified damage the said act inflicted upon the other belligerent party.

All the arguments set forth in the American memorandum as to the legal character it is there endeavored to give to the surrender and capitulation of Manila and to the acts since then executed in the city and even outside of it, by the commanders of the military forces of the Union, may be reduced to the following affirmations:

First. The legal character of the said capitulation is the same as that which would correspond to the peaceful surrender of the place, pursuant to the stipulations of Article III of the Protocol; and therefore the rights which the belligerent party has in the place he occupies as a guaranty are the same as he would have if he occupied it through an act of conquest in an act of war; and

Second. The occupation of Manila, its harbor and bay, stipulated in Article III of the Protocol, was a military occupation.

The Spanish Commission would never have believed that it would have to correct such grave errors, had it not seen them written in the American memorandum.

It is elementary on the subject that the occupation of a place or of a territory, agreed upon by belligerent parties that it may serve as a guaranty for the stipulations of a treaty, or the performance of an obligation resting on the party possessing the sovereignty over the place or territory occupied, has not and cannot have any title other than that in the convention in which it is stipulated. But the title to occupation by main force of a place or territory which surrenders through an act

of war, has a special name, which is *capitulation*. And to so denominate what was agreed on in the Protocol in order thereby to bring under its terms the illegal capitulation of Manila after the signing of that instrument, is an error into which no one up to this time has officially or scientifically fallen, and which neither the technical nor ordinary meaning of the word *capitulation* would admit. The peaceful occupation as a guaranty conveys no more right to the occupying party than of establishing the garrisons or maintaining the military forces he may deem necessary, in the place or territory, to retain it in his possession, until the performance of the principal obligation of which the occupation is the guaranty. It is natural that the provisioning of the army of occupation should be at the expense of the sovereign of the territory occupied. But although this provisioning is a natural condition, it is not essential to the convention. Therefore in the most prominent cases which have arisen of occupation of this kind the occupying party took good care expressly to stipulate the obligation to provision. Well known are the cases of occupation by way of guaranty of several departments of France which occurred in 1815 and in 1871, the former at the end of the wars of the Empire and the latter at the conclusion of the Franco-Prussian war. There it was expressly stipulated that the maintenance of the army of occupation should be at the expense of the French Government. This was not done in Article III of the Protocol of Washington.

All the other rights of sovereignty, signally the collection of revenues and public taxes, continue in the peaceful possession of the sovereign of the territory occupied. The party occupant must religiously respect such rights. The legitimacy of his acts does not extend beyond what may be necessary to meet the ends of the occupation.

From these elementary principles, which for the present case do not need to be enlarged upon, it results that the United States, pursuant to the stipulations of Article III of the Protocol, has no further right than to retain in its possession until the conclusion of the treaty of peace the city, harbor and bay of Manila as a guaranty of the engagements of said Protocol, and, therefore, no more than the right to garrison the said city, bay and harbor with the necessary forces of its army and navy, but respecting the exercise of the sovereignty of Spain over the same in everything else compatible with this right to garrison, which is the proper designation of a guaranty occupation.

But the occupation of a city or territory through an act of war gives fuller rights to the belligerent who has taken forcible possession of one or the other. He does not acquire it is true, through conquest, the right of sovereignty over the conquered territory, but he does acquire the possession and temporary exercise of this sovereignty. While the occupation lasts the prerogatives of the sovereign, political, financial, and even executive, may be exercised by the occupant, but always with the moderation required by the respect due the rights of the pacific inhabitants, since nowadays war is not waged between the peoples but between the armed forces of the belligerent states.

What goes before suffices to bring out the capital difference which precludes anyone from confounding the peaceful guaranty occupation with the belligerent occupation or conquest. On what ground does the United States persist after the 14th of August in occupying the *city, harbor and bay* of Manila? On the ground of belligerent occupation, having taken the city by force after the Protocol was signed. On what ground has the United States the exclusive right to occupy that city,

bay and harbor? On the ground of a peaceful guaranty occupation, and nothing more than this, pursuant to the stipulations of Article III of the said compact. How, then, can it be asserted that the character of such occupation is immaterial in this case?

It is needless to lay further stress upon one of the most elementary points in the matter of the international law of war.

The second error that is displayed in the American memorandum consists in supposing that the occupation agreed to in the Protocol was a *military* one. Those who understand this expression in the sense of occupation with military forces there can have no doubt whatever in applying the same denomination to these two kinds of occupation, although they are so different. But for those who, using the technical term sanctioned by science and by the treaties, call *military* occupation only that which is belligerent, or effected by force, the occupation agreed to in the Protocol cannot be termed a military one.

It is therefore useless to endeavor to bring under a common denomination acts which are essentially different and whose lawful consequences have never been confounded. The occupation of the city, bay and harbor of Manila granted to the United States by the Washington agreement, is not a military or belligerent occupation, from which can lawfully be derived the rights and faculties which are inherent therein.

It cannot be doubted that the commanders of the American forces in the Philippines fell into the same error as the memorandum. One can understand that once in possession of the place and while they had no notice of the suspension of hostilities they should have commenced to exercise all the rights and privileges of a military or belligerent occupant. But the American memorandum admits that on the 16th of August these commanders were advised of the stipulated suspension of hostilities. Notwithstanding this, they continued to exercise these rights and privileges, which they did not possess, and which they ought to have known they did not possess. On that date the machinery of Spanish administration was still in operation. It was on the 16th of August that the American forces began to take possession *manu militari* of that machinery, of the public moneys, revenues and imposts, and also to hold as prisoners the Spanish troops that had surrendered on the 14th.

We believe it unnecessary to insist any longer upon the refutation of errors of such gravity and importance, for which a single explanation can be found only in the sad and dire necessity of using them as the only means of defence on a point which is battered from all quarters.

And as we have been unable to come across any argument in the American memorandum more substantial than those referred to, among those that were advanced against the Spanish proposal, this Commission considers it its duty to support it and set forth that it cannot concur in the conclusion with which the memorandum closes.

The Spanish Commission might here put an end to this paper, were it not for the earnest desire with which it is animated of seeking on its part some means of removing the obstacles which are now standing in the way of the work of peace entrusted to these conferences, and of facilitating to both Commissions the fulfilment of a charge which cannot but be in perfect harmony with the sentiments of humanity and patriotism which surely inspire them both in the same degree.

Whether the interpretation of Articles III and VI of the Protocol as given by the American Commission, or as insisted upon by the Spanish Commission, is accepted, the fact remains unfortunately that a situation

is created which can be settled only by the good faith of both parties. Be it because the conference of Paris has no powers to consider the question concerning the sovereignty over the Philippine Archipelago, in the manner and form proposed by the American Commission; be it because, even though it had such powers, it also would have to enjoy the natural and legitimate freedom of exercising them in the sense dictated by their conscience to the members thereof,—the real fact is that as the opinion of the Joint Commission is equally divided on the subject, the solution of the difficulty becomes impossible.

The American Commission will surely not contend that in the event of conflict, or tieing of its vote with that of the Spanish Commission, theirs should prevail and be given the character of a decision of the Joint Commission.

And inasmuch as the United States do not claim anything more than a recognition of the right which, according to them, they have under the Protocol to *ask* the sovereignty over the archipelago, but do not go to the extreme of saying that they also have the right to demand of the conference that their petition be acceded to, and force the same upon it as if it were an order, the impossibility of the petition of the American Government being complied with, and consequently of the sovereignty over the archipelago being secured by it through the only lawful title which it professes and acknowledges as the only mode of transfer, becomes manifest.

What are the consequences of so harassing and unyielding a situation? The rupture of negotiations? The consequent renewal of hostilities?

Is there anyone who will not halt in the presence of such terrible consequences? Is there anyone who will entertain the idea that it is not better before submitting to them to resort to some other means that good faith cannot fail to suggest to the Contracting Parties?

And what is that means?

Both Commissions might very well agree to leave the question relating to the sovereignty over the Philippine Islands out of their own negotiations and reserve it for direct negotiations to be opened between the two Governments, and continue in the meanwhile their discussion of all the other points to be embodied in the treaty of peace. This method, which at first sight appears so simple, is nevertheless fraught with serious dangers, and signally those which might exist now were the negotiations broken off, with the only advantage of putting the dangers off for a short while. Should the two High Parties fail to agree, the situation would be the same as that which now confronts the Paris conference.

In the opinion of the Spanish Commission, there is another means more simple still and surer, which consists in an agreement by the two Commissions to propose to their Governments that an arbitrator or an arbitration tribunal, constituted in the manner by them agreed upon, shall determine the true sense in which Articles III and VI of the Protocol of Washington should be taken.

The difference of opinion between the two Commissions lies principally in the different sense each gives to those articles.

This appears from their respective memoranda.

Now, it seems that if ever in international conflicts there is, or may be, anything which men of good will should endeavor to settle by the force of justice, or even by the dictates of equity, instead of force of arms, it is that which consists in a difference of interpretation of an article of any treaty previously agreed upon, arising out of the attempt to put it into execution.

Sovereigns may, through a feeling of natural pride, refuse to submit to the judgment of a third that which affects their honor or even their *amour-propre*. They may not wish to entrust to such a judgment the existence or even the integrity of their states. But it is inconceivable that in the face of the modern and Christian world they should prefer covering the earth with corpses and deluging it with human blood, to submitting to it their own opinion, in matters so exposed to the fallibility of the mind of men, such as cannot fail to be the proper sense to be given to an article of a convention, concluded upon matters which are alien and foreign to the above sacred subjects.

The United States are among the peoples of the civilized world those which, to their glory, have taken the initiative and have shown the most decided interest in resorting to this means so humane, so rational, and so Christian, rather than to the bloody one of war, to settle controversies between nations.

As far back as 1835 the Senate of Massachusetts approved a measure presented by the American Peace Association urging the creation of an international court to settle amicably and finally all difficulties between countries.

In 1851 the Committee on Foreign Relations of Washington (*sic*) unanimously declared that it was desirable for the United States to insert in its treaties a clause whereby differences which could not be settled diplomatically should be submitted before the outbreak of hostilities to the judgment of arbitrators.

In 1853 the Senate approved the report of the Committee on Foreign Relations. In 1873 the Senate again, and in 1874 the two Houses, reaffirmed this humanitarian aspiration. And, finally, in 1888, not satisfied with having marked out their own line of conduct in so laudable a direction, both Houses agreed by Joint Resolution to request the President to use his influence from time to time to bind all governments maintaining diplomatic relations with the United States to submit all questions that might arise between them in the future to the judgment of arbitrators.

The Spanish Commissioners hope that the case which presents itself before the Paris Conference will not lead the United States to depart from such glorious precedents, and seek to settle the matter by the last means which although never lawful among rational and free beings is sadly inevitable, in preference to other means more humane, conducive to preserve unalterable peace among men.

True copy:

EMILIO DE OJEDA

PROTOCOL No. 15.

Conference of November 21, 1898.

The session having been postponed, at the request of the American Commissioners, till Monday the 21st of November, on that day there were

Present: On the part of the United States: Messrs. Day, Davis,

PROTOCOLO No. 15.

Conferencia del 21 de Noviembre de 1898.

Habiéndose aplazado la sesión á petición de los Comisarios Americanos hasta el Lunes 21 del corriente á las 2 p. m. se hallaron en dichos dia y hora.

Presentes Por parte de los Estados Unidos de América. los

Frye, Gray, Reid, Moore, Fergusson.

On the part of Spain: Messrs. Montero Ríos, Abarzuza, Garnica, Villa-Urrutia, Cerero, Ojeda.

The protocol of the preceding session was read and approved.

The President of the American Commission presented a reply to the Memorandum presented by the Spanish Commissioners at the last session on the subject of the Philippines. In so doing, he called attention to the concluding part of the reply, and suggested that it be read. But, before it was read, he stated that he desired to say that the American Commissioners had carefully examined the very able argument of the Spanish Commissioners, but had felt obliged to adhere to their construction of the powers of the Joint Commission under the Protocol. The Joint Commission had been in session for several weeks, and it was the opinion of the American Commissioners that a conclusion should be reached. They had consulted their Government and had decided to make concessions, which were embodied in the concluding part of their reply, which was intended to bring the discussion immediately to a close.

The concluding part of the reply of the American Commissioners was then read by their Interpreter to the Spanish Commissioners.

The President of the Spanish Commission, after the close of the reading, stated that if the memorandum of the American Commissioners contained nothing more than what had just been read, he could give an immediate answer; but, as it was necessary to translate and to become acquainted with the preceding part, some time would be needed in which to prepare a reply. He then proposed that the Commissioners meet on Wednesday the 23rd instant, unless something should arise to require a postponement.

Señores Day, Davis, Frye, Gray, Reid, Moore, Fergusson.

Por parte de España, los Señores Montero Ríos, Abarzuza, Garnica, Villa-Urrutia, Cerero Ojeda.

Fué leída y aprobada el acta de la sesión anterior.

El Presidente de la Comisión Americana presentó una contestación al Memoradum presentado por los Comisarios Españoles en la última sesión relativo á las Filipinas.

Al hacerlo así llamó la atención sobre la parte final de su contestación y manifestó su deseo de que se diera lectura de ella. Pero antes de que fuera leída, dijo que deseaba hacer constar que los Comisarios Americanos habían considerado atentamente los argumentos habilísimos de los Comisarios Españoles; pero que se veían obligados á adherirse á su interpretación de las facultades de la Comisión en pleno según los términos del protocolo. Dicha Comisión había prolongado sus labores durante varias semanas, y en vista de esto los Comisarios Americanos opinaban que debía llegarse á un resultado final. Habían consultado á su Gobierno y decidido hacer las concesiones que estaban consignadas al final de su contestación, y cuyo objeto era el de terminar de una vez la discusión.

La última parte de dicha contestación fué vertida verbalmente al Castellano por el Intérprete de la Comisión Americana.

El Presidente de la Comisión Española manifiesta que si el Memorandum de los Comisarios Americanos no contuviese otra cosa que lo que acababa de leerse podría dar una contestación inmediata; pero que como había que traducir y enterarse de lo que precedía á su parte última, se necesitaría algún tiempo para dar una respuesta. Propuso en seguida que las Comisiones se reuniesen el Miércoles 23, á menos que surja algún incidente que exija un aplazamiento.

The American Commissioners concurring, it was agreed to adjourn the conference to the 23rd of November, without prejudice to the right of the Spanish Commissioners to ask for a postponement.

WILLIAM R. DAY
CUSHMAN K. DAVIS
WM P FRYE
GEO. GRAY
WHITELAW REID.
JOHN B. MOORE.

Asienten los Comisarios Americanos y se acuerda que se levante la sesión hasta el Miércoles 23 de Noviembre á las 2 p. m, sin perjuicio del derecho de aplazarla que assiste á los Comisarios Españoles.

E. MONTERO RÍOS
B. DE ABARZUZA
J. DE GARNICA
W R DE VILLA URRUTIA
RAFAEL CERERO
EMILIO DE OJEDA

ANNEX TO PROTOCOL NO. 15.

REPLY OF THE AMERICAN COMMISSIONERS TO THE MEMORANDUM PRESENTED BY THE SPANISH COMMISSIONERS ON NOVEMBER 16, 1898.

The American Commissioners have examined the memoradum of the Spanish Commissioners with that deliberate care and attention which they have been accustomed to bestow upon all the representations which those Commissioners have been pleased to submit touching the questions before the conference.

They note, in the first place, that the Spanish Commissioners disclaim any intention by their paper of the 3rd of November to withdraw their previous acceptance of the American articles on the subject of Cuba, Porto Rico and the other Spanish islands in the West Indies, and the Island of Guam in the Ladrones.

This disclaimer, in spite of the form in which it is expressed, the American Commissioners would be content simply to accept without comment, were it not for the fact that it is accompanied with certain observations on the so-called Cuban debt that impose upon them the necessity of recurring to what they have previously said on that subject.

In citing the Royal Decrees of 1886 and 1890, and the contents of the bonds issued thereunder, as something with which the American Commissioners were previously unacquainted, the Spanish Commissioners seem to have overlooked or forgotten the paper which the American Commissioners presented on the 14th of October. In that paper the American Commissioners expressly mentioned and described the financial measures of 1886 and 1890 and the stipulations of the bonds thereby authorized. But they did more than this. Being concerned with the substance rather than with the form of the matter, they reviewed with some minuteness the history of the debt and the circumstances of its creation. They showed that it was in reality contracted by the Spanish Government for national purposes; that its foundations were laid more than twenty years before the Royal Decree of 1886, and at a time when the revenues of the island were actually producing a surplus, in national enterprises in Mexico and San Domingo, foreign to the interests of Cuba; and that it was soon afterwards swollen to enormous dimensions as the result of the imposition upon Cuba, as a kind of penalty, of the national expenses incurred in the efforts to suppress by force of arms the ten years' war for the independence of the island. At this point

the American Commissioners in their paper of the 14th of October referred to the financial operation of 1886, but they properly referred to it in its true character of a national act for the consolidation or funding of debts previously incurred by the Spanish Government, and expressly quoted the national guaranty that appears on the face of the bonds. At the risk of a repetition which should be unnecessary, the American Commissioners will quote from their paper of the 14th of October the following paragraph:

"Subsequently the Spanish Government undertook to consolidate these debts [i. e., the debts incurred in Mexico, San Domingo, and the ten years' war] and to this end created in 1886 the so-called *Billetes hipotecarios de la Isla de Cuba*, to the amount of 620,000,000 pesetas, or $124,000,000. The Spanish Government undertook to pay these bonds and the interest thereon out of the revenues of Cuba, but the national character of the debt was shown by the fact that, upon the face of the bonds, "the Spanish Nation" (*la Nación Española*) guaranteed their payment. The annual charge for interest and sinking fund on account of this debt amounted to the sum of 39,191,000 pesetas, or $7,838,200, which was disbursed through a Spanish financial institution, called the *Banco Hispano Colonial*, which is said to have collected daily from the custom house at Havana, through an agency there established, the sum of $33,339".

The American Commissioners then referred in the same paper to the authorization by the Spanish Government in 1890 of a new issue of bonds, apparently with a view to refund the prior debt as well as to cover any new debts contracted between 1886 and 1890, and stated that, after the renewal of the struggle for independence in February, 1895, this issue was diverted from its original purpose to that of raising funds for the suppression of the insurrection.

The American Commissioners are at a loss to perceive how, in reciting these transactions, in which past and not future obligations were dealt with, they could have been understood to intimate that Spain, through what is described in the Spanish memorandum as a "supernatural gift of divination," foresaw the insurrection of 1895 and the ultimate intervention of the United States. The American Commissioners will not indulge in the ready retort which this fanciful effort at sarcasm invites. Whether the consequences of imposing upon Cuba burdens not to be borne, were or were not foreseen by Spain, is a question upon which it would be idle now to speculate.

As to the special "Cuban War Emergency Loan," composed of "five per cent peseta bonds," which were referred to as part of what was considered in Spain as properly constituting the Cuban debt, the American Commissioners expressly declared that it did not appear that in these bonds the revenues of Cuba were mentioned.

The American Commissioners, in reviewing in their paper of the 14th of October the history of the so-called Cuban debt, necessarily invited the fullest examination of their statements. They have yet to learn that those statements contained any error.

They freely admit, however, that they had never seen it asserted, till they read the assertion in the Spanish memorandum, that the deficiencies in the Cuban appropriation bills or budgets which the debts are said to represent were "due to the great reductions of taxes made in Cuba by the mother country." If, as they are now assured, this is a fact "well known," they are compelled to admit that they were, and that they still remain, ignorant of it. Indeed, the American Commissioners were not aware that Cuban appropriation bills or budgets

existed prior to 1880, in May of which year the first measure of the kind was submitted to the Spanish Cortes. During the discussion of that budget, a distinguished Senator, not a Cuban, who had been Minister of State in the Spanish Cabinet, Señor Don Servando Ruiz Gomez, presented to the Senate an official statement of the Colonial Department, showing that the alleged debts of Cuba amounted to $126,834,419.25 in gold and $45,300,076 in paper, or, in round numbers, $140,000,000 in gold.

It is true that after 1880, and especially after 1886, deficiencies appeared in the budgets, but a correct conception of their cause may be derived from the budget of 1886–1887, when the prior debts were consolidated. The amount of the burdens imposed upon Cuba by that budget, eight years, as the Spanish memorandum observes, "after the reestablishment of peace," was $25,959,734.79, which was distributed as follows:

General obligations	$10,853,836.79
Department of Justice	863,022.22
Department of War	6,750,977.17
Department of the Treasury	903,326.29
Department of the Navy	1,434,211.40
Department of the Interior	3,935,658.92
Department of Fomento	1,238,702.00
	$25,959,734.79

Of the sum total of this burden, it is seen that the three items of General Obligations, War, and Navy, constitute nearly three-fourths. And what were the "General Obligations"? The principal item—nine-tenths of the whole—was that of $9,617,423.02, for interest, sinking fund, and incidental expenses, on the so-called Cuban debt. The rest went chiefly for pensions to Spanish officials.

The budget for 1896–1897 amounted to $28,583,132.23.

These figures, which speak for themselves, seem to render peculiarly infelicitous the novel suggestion that the deficiencies in the Cuban budgets have been due to the reduction of taxes.

As to that part of the Spanish memorandum in which the so-called Cuban bonds are treated as "mortgage bonds," and the rights of the holders as "mortgage rights," it is necessary to say only that the legal difference between the pledge of revenues yet to be derived from taxation and a mortgage of property cannot be confused by calling the two things by the same name. In this, as in another instance, the American Commissioners are able to refer to previous statements which, although the Spanish memorandum betrays no recollection of them, for obvious reasons remain unchallenged. The American Commissioners have shown, in their argument of the 27th of October, that the Spanish Government itself has not considered its pledge of the revenues of Cuba as in any proper legal sense a mortgage, but as a matter entirely within its control. In proof of this fact the American Commissioners quoted in that argument certain provisions of the decree of autonomy for Cuba and Porto Rico, signed by the Queen Regent of Spain on the 25th of November 1897, and countersigned by Señor Sagasta, as President of the Council of Ministers. By that decree it was declared that the manner of meeting the expenditures occasioned by the debt which burdened "the Cuban and Spanish treasury" should "form the subject of a law" wherein should be "determined the part payable by each of the treasuries, and the special means of paying the interest thereon, and of the amortization thereof, and, if necessary, of paying the principal:" that, when the "apportionment" should have

been "made by the Cortes," each of the treasuries should "make payment of the part assigned to it," and, finally, that "*engagements contracted with creditors under the pledge of the good faith of the Spanish nation shall in all cases be scrupulously respected.*"

In these declarations the American Commissioners find, as they stated in the argument above referred to, "a clear assertion not only of the power of the Government of Spain to deal with the so-called Cuban debt as a national debt, but also a clear admission that the pledge of the revenues of Cuba was wholly within the control of that Government, and could be modified or withdrawn by it at will without affecting the obligation of the debt," and, so long as the stipulated payments upon the debt were made, without violating the engagements of Spain with her creditors.

No more in the opinion of the Spanish Government, therefore, than in point of law, can it be maintained that that Government's promise to devote to the payment of a certain part of the national debt revenues yet to be raised by taxation in Cuba, constituted in any legal sense a mortgage. The so-called pledge of those revenues constituted, in fact and in law, a pledge of the good faith and ability of Spain to pay to a certain class of her creditors a certain part of her future revenues. They obtained no other security, beyond the guarantee of the "Spanish Nation," which was in reality the only thing that gave substance or value to the pledge, or to which they could resort for its performance.

One more remark, and the American Commissioners have done with the renewed discussion into which they regret to have been obliged to enter on the subject of the so-called Cuban debt. The Spanish Commissioners are correct in saying that the Government of the United States repeatedly urged Spain to reestablish peace in Cuba, and did not exclude the use of arms for that purpose; but the impression conveyed by this partial statement of facts is altogether erroneous, as is also the implied representation that Spain's course in the matter may be considered as a compliance with the demands of the United States. The Government of the United States did indeed repeatedly demand that order be reestablished in Cuba; but through long years of patient waiting it also tried and exhausted all the efforts of diplomacy to induce Spain to end the war by granting to the island either independence or a substantial measure of self-government. As early as the spring of 1869, not long after the deepening gloom of the ten years' war began to settle upon the island, the United States offered its mediation and its credit for the reestablishment of peace between Spain and her colony. Spain then as afterwards preferred war to the relinquishment of her rule, and the United States did not assume to discuss the legitimacy of the expenses incurred in the pursuit of that policy. But the question of Spain's right to incur those expenses, and that of her right or her power to fasten them as a perpetual burden upon the revenues of Cuba, after those revenues have passed beyond her control, are questions between which the American Commissioners feel neither difficulty nor hesitation in declaring and maintaining a fundamental difference both in law and in morals.

The American Commissioners, before passing to the principal subject before the conference, will briefly notice that part of the Spanish memorandum which treats of the occupation of Manila by the American forces.

With the elaborate references to the apparent implication in a previous paper that General Merritt and Admiral Dewey might have

knowingly violated the armistice in their capture of Manila a few hours after its signature, and with the new remarks about Admiral Dewey's draconian order, the spontaneousness of his kind feelings, and other and similar phrases, we do not occupy ourselves; nor with the objections to our use of the word "fled" in describing the escape of the Spanish General before the surrender. We are entirely content on these points with the record. For the same reason we pass without comment the remark concerning the claim for indemnity "on similar grounds" in the Philippines that "on first sight this argument is not wanting in force; but the American Commissioners know perfectly well that this is only apparent, and that what did occur proves absolutely the contrary." We interpret this apparent charge of intentional deceit in the light of the valued assurance given in another part of the same paper by the Spanish Commissioners when they, themselves, admit that "no language or even a phrase improper to a diplomatic discussion has been used by them" and "they avoid with the greatest care the use of any phrase which might be personally unpleasant."

With regard to what is stated in the Spanish memorandum as to the occupation of territory as a guaranty in time of peace, and the limitations that are usually affixed to such occupation, the American Commissioners have only to advert to the fact that, as has often been observed by the Spanish Government in its communications, the state of war between the United States and Spain is not yet ended. In its original demands, just as in the Protocol of August 12, the United States declared that it would "occupy and hold the city, bay and harbor of Manila, pending the conclusion of a treaty of peace." These words imported a military occupation, with all its usual incidents, political and administrative, during the continuance of the state of war.

The distinction between the occupation of territory as a guaranty in time of peace, and the military occupation of the enemy's territory in time of war, is well illustrated in the case of France and Germany in 1871, which the Spanish memorandum, unfortunately for its purpose, cites in support of its contention as to the nature of the American occupation of Manila under the Protocol. By a convention concluded on January 28, 1871, France and Germany agreed to a general armistice, which took effect immediately in Paris and three days later in the departments. Under this convention the belligerent armies were to preserve their respective positions, which were separated by a definite line of demarcation, and, simply in recognition of the nature of the occupation, each of the armies reserved the right "to maintain its authority in the territory that it occupies, and to employ such means as may be considered necessary for the purpose by its commanders." By a subsequent convention of February 15, 1871, the fortified town of Belfort, which was besieged by the Germans, but had not been taken when the armistice was made, was brought within the German lines of occupation. On February 26, 1871, the belligerent powers concluded a preliminary treaty of peace. By this treaty, which, unlike the convention for an armistice, required the formal ratification of the two governments, the sovereignty of France over Alsace-Lorraine was renounced, and provision made for the payment to Germany besides of a war indemnity. By an additional convention signed on the same day it was agreed that the German troops should "refrain for the future from raising contributions in money in the occupied territories," but, on the other hand, it was declared that the German authorities should "continue to collect the state taxes" therein. And it was provided by the preliminary treaty that not until the conclusion and ratification of *the*

definitive treaty of peace should "the administration of the departments" remaining "in German occupation" be "restored to the French authorities".

"The United States will occupy and hold," so reads the Protocol, "the city, bay and harbor of Manila, pending the conclusion of a treaty of peace". These brief words obviously and necessarily imported the military occupation, in time of war, though not of active hostilities, of a designated territory, with the usual incidents of such occupation, and not an occupation as a guarantee in time of peace. From the incidents of one kind of occupation nothing is to be inferred as to the incidents of the other, for the simple reason that the two things are different in their nature. The occupation by a belligerent army of a hostile territory is conceded to involve the exercise of a paramount power of control which would be utterly inconsistent with the rights of the titular sovereign over his territory and its inhabitants in time of peace.

The American Commissioners have examined with special care that part of the Spanish memorandum which deals with the "control, disposition and government of the Philippines", and to the consideration of that subject they will now address themselves.

The American Commissioners are obliged at the outset to call attention to the fact that the present argument of the Spanish Commissioners contains the same defects as the previous one, in being directed against a position which the American Commissioners not only have never assumed, but which they expressly repudiate. The American Commissioners now repeat that their proposal for the cession of the Philippines is neither based nor alleged to be based upon a specific concession of Spanish sovereignty in the Protocol, but upon the right secured to the United States by that instrument to make in the negotiations for peace such demands on the subject as it should then deem appropriate under the circumstances. The only obligation therefore now resting upon the American Commissioners is to show not that their proposals in regard to the Philippines are founded on the Protocol, in the same sense as their demands in the case of Cuba, Porto Rico, and Guam, but that those proposals are embraced within the right thereby expressly secured to the United States to make demands in the future.

In the light of this plain and simple proposition, which is sustained not only by the Protocol itself, but by every document referred to or quoted in the present discussion, how idle and unavailing is the characterization of the present demands of the United States as "tardy", as well as the insinuation that that Government in postponing, with the express concurrence of Spain, the formulation of its demands, was guilty of a want of "frankness"!

The American Commissioners are gratified to find in the passages quoted in the Spanish memorandum from Mr. Cambon's reports of his conferences with the President, the amplest confirmation of their position. Those reports, as quoted by the Spanish Commissioners, show that the Spanish Government, far from asking, in any proper sense of the word, "explanations" of the phrase "control, disposition and government", fully understood its meaning, and sought but failed to obtain a limitation of it. Indeed, there is not to be found from first to last a suggestion that if the words "control, disposition and government" were allowed to stand they did not embrace the amplest right to deal with Spanish sovereignty in the islands.

In this relation it is the duty of the American Commissioners to notice the fact that the Spanish memorandum, in comparing the reports of

Mr. Cambon with those quoted by the American Commissioners, intimates that the former are entitled to preference because they were contemporaneous. But the record quoted by the American Commissioners was also contemporaneous, and was made by the Secretary of State under the supervision of the President himself. With this observation, the American Commissioners will pursue their argument.

In his report of the conversation of the 30th of July, Mr. Cambon is quoted as stating that "the President of the Republic was firm in not changing the terms of Article III", but that, as the result of an appeal to his generosity, he consented to substitute the word "disposition" for "possession."

The American Commissioners have already stated that the President refused to change the word "possession" except for a word of equally extensive meaning, and that the reason for which Mr. Cambon was understood to desire the change was that the word "possession" would, when translated into Spanish, seem to be of a severe and threatening nature. The meaning of Mr. Cambon, as defined in his report to the Spanish Government, was that the word "disposition" did not "prejudge" the result of the negotiations, and that it had not so "comprehensive" a meaning as the word "possession."

The American Commissioners are unable to concur in Mr. Cambon's estimate of the relative comprehensiveness of these two English words; but they are obliged to point out, as a matter more material to the present discussion, that he does not, as the Spanish Commissioners affirm, allege that he "accepted the change because he understood that all question about the sovereignty of Spain over the Philippine Islands was thereby eliminated". On the contrary, his only claim is that the word "disposition" did not "prejudge" the "result" of the "negotiation". His understanding therefore appears to have been precisely the opposite of that ascribed to him in the Spanish memorandum.

That this is the case is confirmed beyond all peradventure by the unsuccessful efforts subsequently made by Mr. Cambon, under instructions of the Government at Madrid, to obtain a limitation of the American demand, as it then and has ever since stood, that the treaty of peace should determine "the control, disposition and government of the Philippines".

The telegram of the Spanish Government to Mr. Cambon, in relation to this demand, has now for the first time been disclosed to representatives of the Government of the United States. What other instructions Mr. Cambon may then have had in his possession, it is not material to conjecture. But, according to his own report, as quoted in the Spanish memorandum, he requested the President, in the interview of the 3rd of August, "to have the kindness to state as precisely as possible his intentions in regard to the Philippine Islands. On this point," continues Mr. Cambon, "I told him 'the answer of the Federal Government is couched in terms that may lend themselves to all claims on the part of the United States, and consequently to all apprehensions of Spain in regard to her sovereignty.'"

Here is a clear declaration of Mr. Cambon that the phrase "control, disposition and government", admitted of "all claims" on the part of the United States", and that it created apprehensions on the part of Spain in regard to her "sovereignty"; and he asked, not for an "explanation" of the phrase, but for a statement by the President, as "precisely as possible", of his "intentions". In other words, Mr. Cambon, acting under the instructions of the Spanish Government, endeavored to obtain at that time a statement of the demands which

the United States would make in regard to the sovereignty of Spain, and thereby at least an implied limitation of the rights in that regard. The reply of the President, as reported by Mr. Cambon, shows that he was firm in his determination both to retain the precise words of the demand and the full liberty of action which they secured. On this subject the President, as reported by Mr. Cambon, declared that he did not want "any misunderstanding to remain"; nothing was decided as against either Government; the negotiators of the treaty of peace must determine the matter.

This is from first to last the sum and substance of Mr. Cambon's reports, as quoted in the Spanish memorandum. The recurrence in that memorandum to Mr. Cambon's apparently casual use of the words "permanent advantages", as an evidence that sovereignty was not in question, when he himself declares that the words "control, disposition and government" lent themselves to "all claims" and therefore raised apprehension as to Spain's "sovereignty", discloses the infirmity of the contention in which the argument is employed. Indeed, the words "permanent advantages" are not in the context of Mr. Cambon invested with the importance which the Spanish memorandum now ascribes to them. As the American Commissioners pointed out on a previous occasion, it is not pretended that Mr. Cambon attempted to report the original words of the President, who spoke in English; and, immediately after attributing to the President words which he translates by the terms "permanent advantages", Mr. Cambon narrates the President's undoubted declaration that the "control, disposition and government" of the Philippines must be determined in the treaty of peace, in advance of which the case was not to be considered as decided against either Government.

In his report of the interview of the 9th of August, Mr. Cambon, as quoted in the Spanish memorandum, states that, when the note of the Spanish Government of the 7th of that month, in reply to the American demands, was read, the President and the Secretary of State were visibly displeased, and that, after a long silence, the President objected to that part of the reply which related to the evacuation of Cuba and Porto Rico. The Spanish memorandum declares that neither the President nor the Secretary of State advanced any other reason than this for their displeasure, and that, "according to Mr. Cambon, these gentlemen said nothing during the conversation respecting the said reservation made by Spain of her sovereignty over the archipelago". As no direct assertion to this effect by Mr. Cambon is quoted, the American Commissioners are obliged to assume that he made none, and that the statement in the Spanish memorandum is a mere inference from an omission to report what was said on the subject of the Philippines. This omission may be accounted for by the fact that Mr. Cambon, although he had previously declared that the American demand admitted of "all claims" on the part of the United States, expressed and maintained the opinion that the Spanish reply fully accepted it, and therefore left nothing in that regard to be conceded, while in respect of the demand for the evacuation of Cuba and Porto Rico, which was to be immediate, the reservation by Spain of the approval of the Cortes, which was not then in session, presented an obstacle to an agreement. This objection he deemed it necessary to report, since it required, in his own opinion, a modification of Spain's reply to the American demands. But whatever may have been the cause of the omission, it is a fact that no small part of the "visible displeasure" of the President and the Secretary of State arose from the apparent design, upon which comment was duly

made, in some way to limit the scope of the demand in regard to the Philippines—a design then as ever afterwards frustrated. In the opinion of the American Commissioners the note in question was far from "explicit"; nor can it be maintained that the President, while hearing that note with "visible displeasure" and adhering with "real stubbornness" to the phrase "control, disposition and government", because it "prejudged" nothing, at the same time accepted the words of limitation.

But what does Mr. Cambon say as to the introduction of the subject of the Protocol, which had not previously been suggested? After further conversation the President, as reported by Mr. Cambon, said: "There might be a means of putting an end to all misunderstanding; we might draw up a *projet*, which shall reproduce the conditions proposed to Spain in the same terms in which I have already framed them, *and which shall establish the terms* within which there shall be named on the one hand the Plenipotentiaries charged with negotiating the treaty of peace in Paris, and on the other hand the special Commissioners entrusted with the determination of the details of the evacuation of Cuba and Porto Rico."

The American Commissioners are unable to perceive the "immense difference" between this version of the President's words and that given in their own paper. The President suggests a means for putting an end, not to any particular misunderstanding, but to "all misunderstanding." And how does he propose to do this? By drawing up a Protocol, which "shall reproduce the conditions proposed to Spain," not with qualifications, reservations or explanations, but "in the same terms in which I have already framed them." There was not, nor could there be, any misapprehension as to the meaning and effect of these words, nor was any betrayed in the telegram, heretofore quoted by the American Commissioners, in which Mr. Cambon advised the Spanish Government that the Government of the United States had "decided to state precisely (*préciser*), in a Protocol, the bases upon which peace negotiations must, in its judgment, be entered upon."

With this telegram Mr. Cambon communicated the text of the Protocol; and if his telegraphic summary of the note of the Secretary of State of the 10th of August was, as the Spanish Commissioners admit, inaccurate, it is equally true that his previous telegram conveyed with no uncertainty the purpose of the United States in requiring the adoption of a Protocol.

If the fact were less clear than it is, that the refusal of the President to accept the Spanish reply of the 7th of August as in any respect a satisfactory answer to the demands of the United States, gave rise to the Protocol, the American Commissioners would deem it proper to examine in detail the references to that note in the Spanish memorandum. But they will, under the circumstances, merely advert to the statement that Spain in the paragraph relating to the Philippines explicitly "reserved" her sovereignty over the archipelago, the implication being that she expressly withdrew it from the sphere of negotiation. The language of the note is, however, that "the Spanish Government must declare that, while accepting the third condition, they do not *a priori* renounce the sovereignty of Spain over the archipelago." This language, instead of withdrawing the sovereignty from discussion, implies that it may, as the result of the negotiations, be necessary to renounce it. The American contention, however, does not require further analysis of the note of August 7 than has been given in this and the preceding memoranda of the American Commissioners. It was

rejected by the President, and the final agreement of the parties reduced to the clear and unequivocal terms of the Protocol.

The Spanish Commissioners endeavor to argue that there could have been no intention to include in the powers of this Joint Commission the question of the sovereignty of the Philippines, because the Secretary of State of the United States, in his note of the 30th of July last, after stating the demands of his Government, added: "If the terms hereby offered are accepted in their entirety, Commissioners will be named by the United States to meet similarly authorized Commissioners on the part of Spain for the purpose of settling the details of the treaty of peace and signing and delivering it under the terms above indicated." Is the "unexpressed demand" of the United States, inquire the Spanish Commissioners, for the cession of an immense territory, understood by the American Commissioners to be a *detail* of the treaty of peace?

The American Commissioners have no difficulty in replying that they do so understand it, but not in the sense which the question implies. It is evident that the Spanish memorandum seeks to construe the language of the Secretary of State as if he had used in connection with the word "details" the word "unimportant," and actually proposed to refer to the Commissioners the settlement of only "unimportant details." It should seem unnecessary to say, however, that in speaking of "details" he merely referred to the particulars of the treaty as considered separately and in relation to the whole. It can hardly be supposed that if the two Governments had intended that the negotiations of the treaty of peace should be occupied with details of little importance, they would each have sent five commissioners to a neutral capital for the purpose of arranging them.

But it is argued by the Spanish Commissioners that the words "control, disposition and government", even taken by themselves, do not comprehend the subject of sovereignty, but merely that of governmental "reforms". To the American Commissioners such an interpretation is incomprehensible. If nothing but "reforms" had been intended, it could never have occurred to either party to employ for that purpose three words none of which expressed its meaning, while each of them contained a broader one. On the other hand, the use of the word "sovereignty" in conjunction with the words actually employed was unnecessary, while, if used alone, it would have defeated the very object of postponing the whole subject of the Philippines for future determination. "Control, disposition and government" included everything. "Sovereignty" would have excluded everything but itself, and have left to future determination merely the question of its own existence, supreme and unconditional. In the event of the United States desiring to take only a part of the archipelago, such a limitation of the scope of the negotiations would have been injurious to both parties.

The Spanish Commissioners, however, have sought to restrict the meaning of the words "control, disposition and government," by an appeal to the French text, into which the original English was translated; and as the French word "*contrôle*", by which "control" was translated, bears a significance less extensive than the latter, they seem to contend that all the other words, both in the English and in the French text, should be reduced to harmony with it.

To the American Commissioners, this argument appears to involve the elimination of the entire English text and of the greater part of the French. It first strikes out, as at least superfluous, the English words "disposition and government," and the French words "*disposition et gouvernement*", and then limits the meaning of the English "control"

to that of the French "*contrôle*". It thus virtually reduces the stipulation to the single French word last mentioned. By no principle of construction can this process be defended.

The American Commissioners are therefore, for the reasons which they have stated, compelled to maintain that by the plain and comprehensive terms of the Protocol, as construed in their normal sense and in the light of all the circumstances of its adoption, the future of the Philippines was left, in the fullest measure, to the determination of this Joint Commission.

This conclusion renders it necessary to answer the proposals of the Spanish Commissioners for the resignation by this Commission of its peacemaking functions under the Protocol of the 12th of August, and the transfer to other persons of the duty of determining the question now particularly before it.

The Spanish Commissioners propose that the Joint Commission, shall, instead of disposing of the question of the Philippines, adopt one of the following courses:

I. Remit that question to the two Governments, for adjustment, if possible, by direct negotiation; or

II. Advise those governments to submit it to an arbitration, in which the true sense of Articles III and VI shall be determined.

To the first of these proposals it is sufficient to reply that both Governments have by the solemn engagement of the Protocol committed to their direct representatives here assembled the duty of concluding a definitive treaty of peace which shall determine the destiny of the archipelago. That these representatives shall, after weeks of patient investigation and interchange of views in oral discussion and written argument, surrender their task unaccomplished to other representatives of the same Governments, is a suggestion which cannot be seriously entertained. Indeed, the memorandum of the Spanish Commissioners frankly admits that in the event of a new disagreement the situation would be the same as that which now confronts the Paris conference.

It is equally futile now to invite arbitration as to the meaning of terms plainly expressed in the Protocol. "To avoid misunderstanding," as the United States declared in its note of the 10th of August, the precise agreement of the two Governments was put into a concise and simple form. Shall it be said that this Joint Commission is incapable of interpreting the very compact under which it has assembled? The principle of international arbitration can have no application to such a case. To avoid war no government, it is believed, will do or suffer more than the one which the American Commissioners have the honor to represent in this conference. Unfortunately no way for arbitration was opened before the actual conflict began. Arbitration, as we have had occasion heretofore to observe, precedes war, to avoid its horrors; it does not come after the trial by battle to enable either party to escape its consequences.

The American Commissioners, feeling that this body must accept the responsibility of reaching conclusions, must decline to ask the assistance of an arbitrator. It is true that the very constitution of a joint commission like the present presupposes a possible irreconcilable difference of opinion of representatives of one nation opposed to others of equal number and authority. In such an event, nothing remains but for one of the contesting parties to yield its opinions in order that a peaceful solution may be reached. In the present case the American Commissioners have determined to make concessions to the extent embodied in the proposals which will conclude this memorandum.

The United States is accused by the Spanish Commissioners of harsh and severe measures in dealing with a discomfited enemy. In the light of events which led to and characterized the war, no less than of historical precedents which might be cited, this charge is found to be entirely groundless.

For half a century the attempts of the Cubans to overthrow the sovereignty of Spain over the island, within a hundred miles of the shores of the United States, have produced serious disturbances in that country, grave and constant interference with its commerce, and frequent danger of the rupture of friendly relations with Spain. How could the conditions existing in the island be otherwise than of vital concern to us? The Cubans were our neighbors, with whom our relations were necessarily intimate and extensive; and they had been engaged in a struggle for independence with stronger reasons than existed in our own case when we rebelled against the mother country. The revolution of 1895, like the prior attempts at independence, entailed upon us heavy burdens. It made it necessary to patrol our coasts, to tax both civil and military resources in order to detect and prevent expeditions from our shores in the interests of the insurgents, and to repress the natural sympathy of our citizens, while we remained passive witnesses of misery, bloodshed and starvation in a land of plenty almost within sight of our borders. At length came the destruction of the battleship Maine in the harbor of Havana, with the loss of 266 of her crew. While we may not attribute this catastrophe to the direct act of a Spanish official, it betrayed, in the opinion of the United States, such neglect or inability on the part of Spain to secure the safety of the ship of a friendly nation in the principal harbor of the island as to induce Congress to recite it as an outgrowth of conditions which required our intervention.

War ensued; and in less than four months nearly all the ports of Cuba were blockaded, Santiago was taken, the Spanish fleets in the West Indies and the Philippines destroyed, Porto Rico was about to surrender, Manila was on the point of capitulating, and all the colonies of Spain lay practically at the mercy of the United States. This recital is made, not in an unbecoming spirit of triumph, but because it exhibits the conditions that existed, and the advantages that the United States enjoyed, when, preferring peace to war, it agreed to the Protocol.

The Spanish Commissioners in their memorandum have in diplomatic words expressed their surprise at our want of magnanimity to a defeated country. How does the case appear in the light of what has been stated? We might have demanded from Spain indemnity in money for the cost of the war, which, even if no unforeseen contingencies occur, will have amounted to $240,000,000, at the close of the present calendar year, to say nothing of further expenses which will be required under the laws of the United States existing at the outbreak of the war. We might have required compensation for our injuries and losses, national as well as individual, prior to the outbreak of the war. Yet we have asked for no money. From the relinquishment of Spanish sovereignty in Cuba we derive no compensation. Porto Rico, Guam and the Philippines will bring burdens as well as benefits, and, regarded simply as indemnity, will be grossly inadequate to compensate the United States for the mere pecuniary cost of the war; and yet, in spite of all this, for the sake of peace, we propose to make to Spain liberal concessions. Can we be justly charged with abuse of our opportunities,

or with taking undue advantage of the misfortunes of an adversary? The American Commissioners can perceive no ground for such a charge. On the contrary, they think that the Spanish Commissioners should accept our terms at once, and restore peace between the two countries.

Even if the United States were disposed to permit Spanish sovereignty to remain over the Philippines, and to leave to Spain the restoration of peace and order in the islands, could it now in honor do so? The Spanish Commissioners have, themselves, in an earlier stage of these negotiations, spoken of the Filipinos as our allies. This is not a relation which the Government of the United States intended to establish; but it must at least be admitted that the insurgent chiefs returned and resumed their activity with the consent of our military and naval commanders, who permitted them to arm with weapons which we had captured from the Spaniards, and assured them of fair treatment and justice. Should we be justified in now surrendering these people to the Government of Spain, even under a promise of amnesty, which we know they would not accept?

If, on the other hand, the United States should be content to retain Luzón alone, could anything but trouble be expected from the division of the group? Would not contrasts in government, in modes of administration, and in the burdens of taxation, in different islands lying so closely together, but largely inhabited by kindred peoples, produce discontent among the inhabitants? If the natives of the islands that remained under Spanish rule should, as doubtless would be the case, continue in insurrection, would not the natives of the American islands endeavor to help them, by fitting out hostile expeditions and furnishing arms and supplies? Would not complaints then be made by one Government against the other, leading to crimination and recrimination and probably in the end to another international war?

The situation that has arisen in the Philippines was neither foreseen nor desired by the United States, but, since it exists, that Government does not shirk the responsibilities growing out of it; and the American Commissioners now make to the Spanish Commissioners, in the light of those responsibilities, a final proposition.

The proposal presented by the American Commissioners in behalf of their Government for the cession of the Philippines to the United States having been rejected by the Spanish Commissioners, and the counter proposal of the latter for the withdrawal of the American forces from the islands and the payment of an indemnity by the United States to Spain having been rejected by the American Commissioners, the American Commissioners, deeming it essential that the present negotiations, which have already been greatly protracted, should be brought to an early and definite conclusion, beg now to present a new proposition embodying the concessions which, for the sake of immediate peace, their Government is under the circumstances willing to tender.

The Government of the United States is unable to modify the proposal heretofore made for the cession of the entire archipelago of the Philippines, but the American Commissioners are authorized to offer to Spain, in case the cession should be agreed to, the sum of twenty million dollars ($20,000,000) to be paid in accordance with the terms to be fixed in the treaty of peace.

And it being the policy of the United States to maintain in the Philippines an open door to the world's commerce, the American Commissioners are prepared to insert in the treaty now in contemplation a stipulation to the effect that, for a term of years, Spanish ships and

merchandise shall be admitted into the ports of the Philippine Islands on the same terms as American ships and merchandise.

The American Commissioners are also authorized and prepared to insert in the treaty, in connection with the cessions of territory by Spain to the United States, a provision for the mutual relinquishment of all claims for indemnity, national and individual, of every kind, of the United States against Spain and of Spain against the United States that may have arisen since the beginning of the late insurrection in Cuba and prior to the conclusion of a treaty of peace.

The American Commissioners may be permitted to express the hope that they may receive from the Spanish Commissioners, on or before Monday the 28th of the present month, a definite and final acceptance of the proposals herein made as to the Philippine Islands, and also of the demands as to Cuba, Porto Rico and other Spanish islands in the West Indies, and Guam, in the form in which those demands have been provisionally agreed to. In this event it will be possible for the Joint Commission to continue its sessions and to proceed to the consideration and adjustment of other matters, including those which, as subsidiary and incidental to the principal provisions, should form a part of the treaty of peace.

In particular the American Commissioners desire to treat of religious freedom in the Caroline islands, as agreed to in 1886; of the release of prisoners now held by Spain for political offenses in connection with the insurrections in Cuba and the Philippines; the acquisition of the island variously known as Kusaie, Ualan, or Strong Island in the Carolines, for a naval and telegraph station, and of cable-landing rights at other places in Spanish jurisdiction; and the revival of certain treaties heretofore in force between the United States and Spain.

True copy:

JOHN B. MOORE.

PROTOCOL No. 16.

Conference of November 28, 1898.

The conference which was to have been held on the 23rd instant having been adjourned in consequence of the correspondence exchanged between the Presidents of the two Commissions, which is appended to the present protocol, in the shape of two letters of the President of the Spanish Commission and the answers thereto of the President of the American Commission, the Joint Commission met to day at two o'clock, p. m., when there were

Present:—On the part of the United States: Messrs: Day, Davis, Frye, Gray, Reid, Moore, Fergusson.

PROTOCOLO No. 16.

Conferencia del 28 de Noviembre de 1898.

Aplazada la Conferencia que debió celebrarse el día 23 del corriente á consecuencia de la correspondancia cambiada entre los Presidentes de ambas Comisiones, que va anexa al Acta presente, en forma de dos cartas del Presidente de la Comisión Española y de las dos contestaciones á aquellas del Presidente de la Comisión Americana, se reunieron ambas Comisiones hoy á las 2 de la tarde, hallándose

Presentes Por parte de los Estados Unidos de América. los Senores Day, Davis, Frye, Gray, Reid, Moore, Fergusson.

On the part of Spain: Messrs: Montero Ríos, Abarzuza, Garnica, Villa-Urrutia, Cerero, Ojeda.

The protocol of the preceding conference was read and approved.

The President of the Spanish Commission, in accordance with the agreement previously reached, presented to the American Commissioners a document containing the final answer of the Spanish Government to the proposition as to the Philippine Islands which the American Commissioners presented as final at the last session.

The language of the answer is as follows:

"The Spanish Commissioners hastened to lay before their Government the proposition which, as final, was presented to them at the last session by the American Commissioners, and they are now specially authorized to give within the time designated and under the conditions expressed the reply which was requested of them by the American memorandum.

"Examined solely in the light of the legal principles which have guided the action of the Spanish Commissioners during the course of these negotiations, the latter consider the American proposition in every way inadmissible for the reason repeatedly set forth in previous documents forming a part of the Protocol.

"Neither can they consider the said propositions as a satisfactory form of agreement and compromise between two opposing principles, since the terms which by way of concession are offered to Spain do not bear a proper proportion with the sovereignty which it is endeavored to compel us to relinquish in the Philippine Archipelago. Had they borne such proportion, Spain would have at once, for the sake of peace, made the sacrifice of accepting them. The American Commission knows that the Spanish Commission endeavored, al-

Por parte de España. los Señores Montero Ríos, Abarzuza, Garnica, Villa-Urrutia, Cerero, Ojeda.

Fué leída y aprobada el acta de la sesión anterior.

El Presidente de la Comisión Española de conformidad con lo acordado anteriormente presenta á los Comisarios Americanos un documento que contiene la contestación definitiva del Gobierno Español á la proposición sobre Filipinas, que con carácter de final presentaron en la última sesión los Comisarios Americanos.

Los términos de dicha contestación son los siguientes:

"Los Comisarios Españoles se apresuraron á poner en conocimiento de su Gobierno la proposición, que con carácter de definitiva les fué presentada en la sesión última por los Señores Comisarios Americanos, y se hallan hoy explícitamente autorizados á dar la respuesta que dentro del plazo señalado y con las condiciones expresadas en el Memorandum Americano se les pedía.

"Examinada únicamente á la luz de los principios jurídicos que ha venido inspirando la conducta de los Comisarios Españoles durante el curso de estas negociaciones, encuentran estos de todo punto inadmisible la proposición Americana, por las razones repetidamente expuestas en anteriores documentos que forman parte de Protocolo.

"Tampoco pueden considerar dicha proposición como satisfactoria fórmula de avenencia y transacción entre opuetos principios, pues las condiciones que á título de concesión se ofrecen á España, no guardan ninguna proporción con la soberanía á que se nos quiere obligar á renunciar en el Archipiélago filipino. Si la hubieran guardado, hubiese hecho España, desde luego, el sacrificio de aceptarlas en aras del deseo de la paz. Consta á la Comisión Americana que la Española intentó, aunque sin éxito, entrar en esta vía,

though fruitlessly, to follow this course, going so far as to propose arbitration for the settlement of the principal questions.

"Spain then having on her part exhausted all diplomatic recourses in the defence of what she considers her rights and even for an equitable compromise, the Spanish Commissioners are now asked to accept the American proposition in its entirety and without further discussion, or to reject it, in which latter case, as the American Commission understands, the peace negotiations will end and the Protocol of Washington will, consequently, be broken. The Government of Her Majesty, moved by lofty reasons of patriotism and humanity, will not assume the responsibility of again bringing upon Spain all the horrors of war. In order to avoid them it resigns itself to the painful strait of submitting to the law of the victor, however harsh it may be, and as Spain lacks material means to defend the rights she believes are hers, having recorded them, she accepts the only terms the United States offers her for the concluding of the treaty of peace."

This answer was delivered to the American Commissioners and translated by their Interpreter into English.

The President of the Spanish Commission expressed the opinion that, the proposition of the American Commission having been accepted, it was in order for the Secretaries of the two Commissions to confer and agree upon the form in which the articles relating to Cuba, Porto Rico, and the Philippine Islands should be drawn up, which articles they should afterwards submit to the Joint Commission for approval or modification.

The American Commissioners assented to this proposal, and suggested that the correspondence exchanged between the last and the present session be appended either to this protocol or to the next.

llegando hasta proponer el arbitrage para la resolución de las cuestiones principales.

"Agotados pues, por parte de España todos los recursos diplomáticos para la defensa del que considera su derecho, y aún para una equitativa transacción, se exige hoy á los Comisarios Españoles que acepten en conjunto y sin más discusiones la proposición Americana ó que la rechacen, en cuyo caso quedarían terminadas, según entiende la Comisión Americana, las negociaciones para la paz y roto por consiguiente el Protocolo de Washington. El Gobierno de S. M. movido por altas razones de patriotismo y de humanidad, no ha de incurrir en la responsabilidad de desatar de nuevo sobre España todos los horrores de la guerra. Para evitarlos se resigna al doloroso trance de someterse á la ley del vencedor, por dura que esta sea, y como carece España de medios materiales para defender el derecho que cree le asiste, una vez ya consignado, acepta las únicas condiciones que los Estados Unidos le ofrecen para la conclusion del Tratado de paz."

Es entregada dicha contestación á los Comisarios Americanos y vertida al inglés por su intérprete.

El Presidente de la Comisión Española manifiesta que aceptada la proposición de la Comisión Americana procedería en su sentir que los Secretarios de ambas Comisiones se pusieran de acuerdo para la redacción de los artículos referentes á Cuba, Puerto Rico y Filipinas, que someterían luego á la Comisión en pleno para que esta los aprobase ó modificase.

Asiente á ello la Comisión Americana y su Presidente propone que la correspondencia cambiada entre los dos Presidentes en el intervalo entre la última y la presente sesión, sean anexas á esta acta ó á la próxima.

The President of the Spanish Commission concurring in this suggestion, it was agreed that the two letters which he had addressed to the President of the American Commission and the answers thereto given by the latter be appended to the present protocol.

The President of the American Commission expressed the hope that a mutually satisfactory agreement might be reached as to all matters other than those disposed of by the acceptance of the American proposition, and, in order to hasten the conclusion of the treaty, he proposed that the American Commission should draw up articles and present them at the next conference to be orally discussed, thus avoiding the presentation of memoranda which would delay the negotiations.

The President of the Spanish Commission answered that the form in which the American Commissioners should desire to proceed was left entirely to their choice and that he had nothing to suggest in this respect; and he also expressed the opinion that the presentation of memoranda would be unnecessary, except in some special case which might occur. He proposed that the meeting should be adjourned until the Secretaries should have drawn up the draft of articles previously mentioned by him.

The President of the American Commission concurred in this proposal, and, being desirous also to present the articles referring to the subsidiary points of the treaty at the next session, he moved that that session should be held on Wednesday the 30th instant, at two o'clock, p. m.

The President of the Spanish Commission concurred in this proposal, and requested the American Commission to hasten as much as practicable their proceedings, so as to terminate at the earliest possible moment the labors of the Commission.

El Presidente de la Comisión Española es de la misma opinión y se acuerda que las dos cartas que ha dirigido al Presidente de la Comisión Americana y las dos contestaciones de este, sean anexas al acta presente.

El Presidente de la Comisión Americana manifiesta su esperanza de que pueda llegarse ahora á un acuerdo satisfactorio respecto de los demás puntos subsidiarios de su proposición, aparte de los que han sido ya aceptados, y dice que con objeto de apresurar la conclusión del tratado, se propone redactar los demás artículos y presentarlos en la próxima conferencia para ser discutidos oralmente, evitándose así la presentación de Memoranda que retrasaría las negociaciones.

El Presidente de la Comisión Española contesta que la forma en que deseen proceder los Comisarios Americanos queda completamente á su elección, y que nada tiene por tanto que sugerir al respecto, siendo asimismo de opinión que huelga la presentación de Memoranda al respecto, salvo algún caso especial que pudiera ocurrir y propone que se levante la sesión y se aplace la nueva reunión hasta que los Secretarios puedan redactar el proyecto de articulado.

El Presidente de la Comisión Americana hace asimismo esta reserva, y deseando presentar el articulado referente á los puntos subsidiarios del tratado en la próxima sesión, propone que esta tenga lugar el Miércoles 30 del presente á las 2.

El Presidente de la Comisión Española conviene en que así sea y ruega á los Comisarios Americanos que apresuren en lo posible sus procedimientos á fin de que terminen cuanto antes las tareas de la Comisión.

The session was accordingly adjourned till Wednesday the 30th instant, at two o'clock, p. m.

WILLIAM R. DAY
CUSHMAN K. DAVIS
WM P FRYE
GEO. GRAY
WHITELAW REID.
JOHN B. MOORE.

En consecuencia queda aplazada la próxima sesión para el Miércoles 30 del corriente á las 2 P. M.

E. MONTERO RÍOS
B. DE ABARZUZA
J. DE GARNICA
W R DE VILLA URRUTIA
RAFAEL CERERO
EMILIO DE OJEDA

ANNEX 1 TO PROTOCOL NO. 16.

COMISION PARA LA NEGOCIACIÓN DE LA PAZ CON LOS ESTADOS UNIDOS.

Sr. D. WILLIAM R. DAY.

MUY SEÑOR MIO, A fin de que pueda esta Comisión y en su caso el Gobierno de S. M. C. deliberar con pleno y exacto conocimiento de su sentido sobre la proposición con que termina el Memorandum presentado en la sesión de ayer por la Comisión que dignamente presidís, y que acaba de traducirse al español, me es necesario rogaros que, con la urgencia que os sea posible, os sirvais, si os parece conveniente, aclarar el concepto de los puntos siguientes de dicha proposición, cuya inteligencia es para mí obscura y vaga:

Primero. La proposición que haceis ¿descansa sobre la base de que las colonias españolas han de pasar libres de toda carga, quedando por consiguiente todas, absolutamente todas, las obligaciones y deudas coloniales pendientes, de cualquier clase que ellas sean y cualquiera que haya sido su origen y objeto, á cargo exclusivamente de España?

Segundo. El ofrecimiento que los Estados Unidos hacen á España de establecer igualdad de condiciones durante cierto número de años en los puertos del Archipiélago entre los buques y mercancías de ambas naciones, ofricimiento que se hace preceder de la afirmación de que la política de los Estados Unidos es mantener en las Filipinas la puerta abierta el comerico del mundo, ¿debe entenderse en el sentido de que los buques y mercancías de las demás naciones han de gozar ó poder gozar de la misma situación que por cierto tiempo se conceda á los de España, mientras los Estados Unidos no cambien dicha politica?

Tercero. Habiendo consignado el Sr. Secretario de Estado, en la nota de 30 de Julio último, que la cesión por España de la Isla de Puerto Rico y de otras islas actualmente bajo su soberanía en las Indias Occidentales, así como de una en las Ladrones, era en compensación de las pérdidas y gastos hechos por los Estados Unidos, durante la guerra, y de los daños que sus ciudadanos habían sufrido durante la última insurrección de Cuba, ¿cuáles son las reclamaciones á que se refiere la porposición, al exigirse en ella que en el tratado se ha de insertar una disposición sobre ell abandono mutuo de todas las reclamaciones individuales y nacionales surgidas desde el principio de la última insurrección en Cuba hasta la conclusión del tratado de paz?

Cuarto. Al decirse que en el tratado se ha de convenir sobre la libertad de los detenidos por España por delitos políticos relacionados con las insurrecciones de Cuba y Filipinas, ¿se quiere dar á entender que á la vez no se ha de convenir sobre la libertad de los prisoneros espa-

ñoles que están en poder de las fuerzas americanas y de sus auxiliares los insurrectos de Cuba y Filipinas?

Quinto. También se ha de convenir en el tratado sobre la adquisición por los Estados Unidos del derecho de amarre de cables en otros sitios bajo la jurisdicción de España. ¿En qué región están dichos sitios? Esta frase, ¿comprende solamente los territorios de España en el Oriente ó también en la Península?

Sexto. Se dice asimismo que se renovarán ciertos tratados que hasta ahora estuvieron en vigor entre los Estados Unidos y España, ¿Cuáles son estos tratados?

Y finalmente, Séptimo. Dicen los Comisarios americanos que si los españoles aceptan final y concretamente su proposición y las anteriores sobre Cuba, Puerto Rico y demás islas, será posible á la Comisión en pleno continuar sus sesiones y proceder al estudio y arreglo de otros puntos, ¿significan estas frases que si la Comisión española no acepta final y concretamente dichas proposiciones, sin modificación sustancial, la Comisión en pleno no continuará sus sesiones?

Os ruego y encarezco la resolución de estas dudas, si lo teneis á bien, sobre la inteligencia de vuestra proposición, lo más pronto que os sea posible, para que la Comisión española pueda dar en sesión de la Comisión en pleno la contestación que considere procedente.

Aceptad, Señor, os lo ruego, el testimonio de mi distinguida consideración.

E. MONTERO RÍOS

PARIS, *22 de Noviembre de 1898.*

[Translation.]

ANNEX 1 TO PROTOCOL NO. 16.

COMMISSION FOR THE NEGOTIATION OF PEACE WITH THE UNITED STATES.

MR. WILLIAM R. DAY

MY DEAR SIR, In order that this Commission and, if necessary, the Government of H. C. M., may study with a full and exact knowledge the proposition which closes the memorandum presented at yesterday's session by the Commission you worthily head, the translation into Spanish of which has just been completed, it becomes necessary to beg you that with all possible haste you will be pleased to make clear the meaning of the following points of said proposition, which to me is obscure and vague:

First. Is the proposition you make based on the Spanish colonies being transferred free of all burdens, all, absolutely all outstanding obligations and debts, of whatsoever kind and whatever may have been their origin and purpose, remaining thereby chargeable exclusively to Spain?

Second. Is the offer made by the United States to Spain to establish for a certain number of years similar conditions in the ports of the archipelago for vessels and merchandise of both nations, an offer which is preceded by the assertion that the policy of the United States is to maintain an open door to the world's commerce, to be taken in the sense that the vessels and goods of other nations are to enjoy or can enjoy

the same privilege (*situación*) which for a certain time is granted those of Spain, while the United States do not change such policy?

Third. The Secretary of State having stated in his note of July 30 last that the cession by Spain of the Island of Porto Rico and the other islands now under Spanish sovereignty in the West Indies, as well as one of the Ladrones, was to be as compensation for the losses and expenses of the United States during the war, and of the damages suffered by their citizens during the last insurrection in Cuba, what claims does the proposition refer to on requiring that there shall be inserted in the treaty a provision for the mutual relinquishment of all claims, individual and national, that have arisen from the beginning of the last insurrection in Cuba to the conclusion of the treaty of peace?

Fourth. Upon stating that the treaty must contain an agreement as to the release of those held by Spain for political offenses connected with the insurrections of Cuba and the Philippines, is it desired that it be taken as meaning that at the same time there is to be no agreement as to the release of the Spanish prisoners held in the possession of the American forces and their auxiliaries, the insurgents of Cuba and the Philippines?

Fifth. In the treaty there is also to be an agreement as to the acquirement by the United States of cable landing privileges in other places under the jurisdiction of Spain. Where are such places? Does this sentence only include territories of Spain in the Orient, or in the Peninsula also?

Sixth. It is also said that certain treaties which were in force between the United States and Spain up to this time will be revived. What are these treaties?

And, finally, seventh. The American Commissioners say that if the Spanish Commissioners accept their proposition finally and definitely and the previous proposals as to Cuba, Porto Rico and other islands, it will be possible for the Joint Commission to continue its sessions and proceed to the examination and arrangement of other points. Do these words mean that if the Spanish Commission does not finally and definitely accept said propositions without substantial modifications, the Joint Commission will not continue its sessions?

I beg and earnestly request you to settle these doubts, should you be so disposed, as to the meaning of your proposition as soon as may be possible, in order that the Spanish Commission may, in a session of the Joint Commission, furnish the reply it may deem proper.

Accept, Sir, I pray you, the expression of my distinguished consideration.

Signed: E. MONTERO RÍOS.

PARIS, *November 22, 1898.*

ANNEX 2 TO PROTOCOL NO. 16.

UNITED STATES AND SPANISH PEACE COMMISSION.
UNITED STATES COMMISSIONERS.
Paris. November 22, 1898.

Señor Don E. MONTERO RÍOS.

MY DEAR SIR. Having received and read your letter of today, touching the final proposition presented by the American Commissioners at yesterday's conference, I hasten to answer your enquiries *seriatim*, first stating your question, and then giving my reply.

"First. Is the proposition you make based on the Spanish colonies being transferred free of all burdens, all, absolutely all outstanding obligations and debts, of whatsoever kind and whatever may have been their origin and purpose, remaining thereby chargeable exclusively to Spain?"

In reply to this question, it is proper to call attention to the fact that the American Commissioners, in their paper of yesterday, expressed the hope that they might receive within a certain time "a definite and final acceptance" of their proposal as to the Philippines, and also "of the demands as to Cuba, Porto Rico and other Spanish Islands in the West Indies, and Guam, in the form in which those demands have been provisionally agreed to."

The form in which they have thus been agreed to is found in the proposal presented by the American Commissioners on the 17th of October and annexed to the protocol of the 6th conference, and is as follows:

"ARTICLE 1. Spain hereby relinquishes all claim of sovereignty over and title to Cuba.

"ARTICLE 2. Spain hereby cedes to the United States the Island of Porto Rico and other islands now under Spanish sovereignty in the West Indies, and also the Island of Guam in the Ladrones."

These articles contain no provision for the assumption of debt by the United States.

In this relation, I desire to recall the statements in which the American Commissioners have in our conferences repeatedly declared that they would not accept any articles that required the United States to assume the so-called colonial debts of Spain.

To these statements I have nothing to add.

But, in respect of the Philippines, the American Commissioners, while including the cession of the archipelago in the article in which Spain "cedes to the United States the Island of Porto Rico and other islands now under Spanish sovereignty in the West Indies, and also the Island of Guam in the Ladrones," or in an article expressed in similar words, will agree that their Government shall pay to Spain the sum of twenty million dollars ($20,000,000).

"Second. Is the offer made by the United States to Spain to establish for a certain number of years similar conditions in the ports of the archipelago for vessels and merchandise of both nations, an offer which is preceded by the assertion that the policy of the United States is to maintain an open door to the world's commerce, to be taken in the sense that the vessels and goods of other nations are to enjoy or can enjoy the same privilege (*situación*) which for a certain time is granted those of Spain, while the United States do not change such policy?"

The declaration that the policy of the United States in the Philippines will be that of an open door to the world's commerce necessarily implies that the offer to place Spanish vessels and merchandise on the same footing as American is not intended to be exclusive. But, the offer to give Spain that privilege for a term of years, is intended to secure it to her for a certain period by special treaty stipulation, whatever might be at any time the general policy of the United States.

"Third. The Secretary of State having stated in his note of July 30 last that the cession by Spain of the Island of Porto Rico and the other islands now under Spanish sovereignty in the West Indies, as well as one of the Ladrones, was to be as compensation for the losses and expenses of the United States during the war, and of the damages suffered by their citizens during the last insurrection in Cuba, what claims does the proposition refer to on requiring that there shall be

inserted in the treaty a provision for the mutual relinquishment of all claims, individual and national, that have arisen from the beginning of the last insurrection in Cuba to the conclusion of the treaty of peace?"

While the idea doubtless was conveyed in the note of the Secretary of State of the United States of the 30th of July last that the cession of "Porto Rico and other islands now under the sovereignty of Spain in the West Indies, and also the cession of an island in the Ladrones, to be selected by the United States," was required on grounds of indemnity, and that "on similar grounds the United States is entitled to occupy and will hold the city, bay, and harbor of Manila, pending the conclusion of a treaty of peace which shall determine the control, disposition and government of the Philippines," no definition has as yet been given of the extent or precise effect of the cessions in that regard. The American Commissioners therefore propose, in connection with the cessions of territory, "the mutual relinquishment of all claims for indemnity, national and individual, of every kind, of the United States against Spain and of Spain against the United States, that may have arisen since the beginning of the late insurrection in Cuba and prior to he conclusion of a treaty of peace."

And I may add that this offer is made by the American Commissioners in full view of the fact that the citizens of the United States, having claims that come within the foregoing relinquishment, will, on the strength thereof, apply to their own Government for indemnity.

As to the fourth, fifth and sixth questions contained in your letter, permit me to point out that they do not relate to matters concerning which the American Commissioners stated that the acceptance of our proposals within the time mentioned would be a condition of continuing the conferences. The American Commissioners confined that condition to their proposals touching Cuba, Porto Rico and other Spanish islands in the West Indies, Guam, and the Philippines. In respect of the other matters referred to, they expressed their readiness to "treat", in case the Spanish Commissioners should remove the obstacle to so doing, by a definite and final acceptance of the proposals abovementioned, the refusal of which would render the continuance of the conferences impracticable.

In what I have just said, you will find an answer to your seventh question.

It does not appear to be necessary to specify at this moment the particulars of the subjects referred to in your fourth, fifth and sixth questions, since, if our proposals in regard to Cuba, Porto Rico and other Spanish islands in the West Indies, Guam, and the Philippines, are not accepted, the negotiations will end. I deem it proper, however, even at the risk of seeming to anticipate, to say, so far as concerns the subject of your fourth question, that the American Commissioners would expect to treat for the release of prisoners on the basis of absolute equality. All Spanish prisoners in the possession of the American forces would necessarily be released as the result of a treaty of peace; and the American Commissioners would be willing to stipulate that their Government would undertake to obtain the release of all Spanish prisoners in the hands of the insurgents in Cuba and the Philippines.

With an expression of regret that the process of translating your letter has somewhat delayed my reply, I beg you to accept, my dear sir, the expression of my distinguished consideration.

Signed: WILLIAM R. DAY.

Annex 3 to Protocol No. 16.

COMISIÓN PARA LA NEGOCIACIÓN DE LA PAZ CON LOS ESTADOS UNIDOS.

Hon. M. William R. Day,
Presidente de la Comisión americana para la paz con España.

Muy Señor mío de mi distinguida consideración. A fin de adelantar cuanto sea posible los trabajos que por ambos Gobiernos á una y otra Comisión han sido encomendados, y que ya requieren una próxima terminación, ruego á Vd., en nombre de esta Comisión que se sirva proponer á la de su digna presidencia si está dispuesta á acceptar por via de transacción sobre la soberanía del Archipiélago Filipino cualquiera de las tres proposiciones siguientes:

A.—"Renuncia de España á su soberanía en Cuba y cesión de Puerto Rico y demás Antillas, Isla de Guam en las Ladrones y Archipiélago Filipino, incluso Mindanao y Joló, á los Estados Unidos, habiendo de satisfacer estos á España la cantidad de cien millones de dollars ($100,000,000) en compensación de su soberania en el archipiélago y de las obras de utilidad pública ejecutadas durante su dominación en todas las islas de Oriente y Occidente cuya soberanía renuncia y cede."

B.—"Cesión á los Estados Unidos de la Isla Cusaye en las Carolinas, del derecho de amarre de un cable en cualquiera de ellas ó de las Marianas, mientras sean del dominio de España, y del Archipiélago Filipino propiamente dicho, ó sea empezando por el Norte, de las Islas Batanes, Babuyanes, Luzón, Visayas y todas las demás que siguen al Sur hasta el mar de Joló, reservándose España al Sur de este mar las Islas de Mindanao y Joló, que nunca han formado parte del Archipiélago Filipino propiamente dicho.

"Los Estados Unidos en compensación de las islas sobredichas, del derecho de amarre del cable y de las obras públicas ejecutadas por España en aquellas islas durante su dominación, abonarán á España la cantidad de cincuenta millones de dollars ($50,000,000)."

C.—"España renuncia á su soberanía en Cuba y cede gratuitamente á los Estados Unidos el Archipiélago Filipino propiamente dicho, además de Puerto Rico y demás Antillas y la Isla de Guam que cede en compensación de los gastos de guerra é indemnizaciones de ciudadanos americanos por daños sufridos desde el principio de la última insurrección cubana:

"Los Estados Unidos y España someterán á un tribunal arbitral cuáles son las deudas y obligaciones de carácter colonial, que deban pasar con las islas cuya soberanía España renuncia y cede."

Ruego á Vd. que esa Comisión se sirva deliberar sobre cada una de estas proposiciones por si considera acceptable cualquiera de ellas, comunicándomelo si lo tiene á bien antes del lunes próximo 28 del corriente ó teniendo formado ya su juicio para dicho día (que es el fijado en la útima proposicion de esa Comisión), en que podrán reunirse ambas en pleno á la hora acostumbrada de las dos de la tarde, y en cuya sesión esta Comisión española dará su definitiva contestación, de que, según la de la americana, habrá de depender la continuación ó terminación de estas conferencias.

Queda de Vd. con la mayor consideración atento servidor q. l. b. l. m.

E. Montero Ríos

Paris, *23 de Noviembre de 1898.*

[Translation.]

ANNEX 3 TO PROTOCOL NO. 16.

COMMISSION FOR THE NEGOTIATION OF PEACE WITH THE UNITED STATES.

Hon. WILLIAM R. DAY,
President of the American Commission for Peace with Spain.

MY DEAR AND ESTEEMED SIR, In order to push to the utmost the work which has been entrusted by the two Governments to one and the other Commission and which now requires a prompt termination, I beg you, in the name of this Commission, to be pleased to propose to that worthily headed by you whether it is willing to accept, by way of compromise *in re* the sovereignty of the Philippine Archipelago, any of the three propositions following:

A. "Relinquishment by Spain of her sovereignty over Cuba and cession of Porto Rico and other Antilles, Island of Guam in the Ladrones and the Philippine Archipelago, including Mindanao and Sulu, to the United States, the latter paying to Spain the sum of one hundred million ($100,000,000) dollars as compensation for her sovereignty in the Archipelago and the works of public utility she has executed during her rule in all the islands of the East and West the sovereignty over which she relinquishes and cedes."

B. "Cession to the United States of the Island of Cusaye in the Carolines, of the right to land a cable on any of these or of the Marianas, while they remain under Spanish rule, and (*cesión*) of the Philippine Archipelago proper, that is, beginning on the North, the Islands of Batanés, Babuyanes, Luzón, Visayas, and all the others following to the south as far as the Sulu Sea, Spain reserving to the south of this sea the Islands of Mindanao and Sulu which have never formed a part of the Philippine Archipelago proper.

"The United States, as compensation for said islands, for the right to land cables and for the public works executed by Spain in said islands during her rule, will pay to Spain the sum of fifty million ($50,000,000) dollars."

C. "Spain relinquishes her sovereignty over Cuba and gratuitously cedes to the United States the Philippine Archipelago proper, besides Porto Rico, the other West Indies and the Island of Guam, which she cedes as compensation for the expenses of the war and as indemnity to American citizens for injuries suffered since the beginning of the last Cuban insurrection.

"The United States and Spain will submit to an arbitral tribunal what are the debts and obligations of a colonial character which should pass with the islands the sovereignty over which Spain relinquishes and cedes."

I beg you that said Commission be pleased to deliberate over each of these propositions so that, should it consider anyone of them acceptable, it may be communicated to me, should you be so disposed, before Monday next, the 28th instant, or your mind being already made up, on that day (which is the one set in the last proposition of the said Commission) when the two Commissions may meet jointly at the usual hour of two, p. m., at which session this, the Spanish Commission, will give its final reply, upon which, according to the answer of the American, must depend the continuation or termination of these conferences.

I remain, with the greatest consideration, your obedient servant.

Signed: E. MONTERO RÍOS.

PARIS, *November 23, 1898.*

Annex 4 to Protocol No. 16.

United States and Spanish Peace Commission.
United States Commissioners.

Paris. November 26, 1898.

My dear Sir, Your letter dated the 23rd instant, in which you propose, by way of compromise, the adoption of one of three alternative propositions, in place of the proposition submitted by the American Commissioners at our last conference, was not received by me till the evening of the 24th.

I at once had it carefully translated, and, in compliance with your request, laid it before my associates.

We maturely considered it, and, although our last proposition, which was submitted under instructions, was expressly declared to be final, we decided, in view of the importance of the subject, to communicate your proposals to our Government.

Its answer has just been received; and, as we anticipated, it instructs us to adhere to the final proposition which we have already submitted.

It is proper to say that my associates and myself, during the long course of the negotiations, have, in accordance with the wishes of our Government, given the most deliberate attention to everything in the way of argument or of suggestion that has been brought to our notice, in the hope that some basis of mutual agreement might be found. But, unfortunately, our discussions seemed to divide us, rather than to bring us together, and no progress was made towards a common accord.

Under these circumstances the American Commissioners, acting upon explicit instructions, offered at once, for the sake of peace, all the concessions which their Government was able to make concerning the particular matters embraced in the proposition the acceptance of which was made a condition of further negotiations.

As I stated in my letter of the 23rd instant, if that proposition should be accepted, the matters referred to in the concluding paragraph of the paper submitted by the American Commissioners at the last session, would become the subject of negotiations, and, in regard to them, I should hope for a mutually satisfactory arrangement.

The American Commissioners expect to be present at the Ministry of Foreign Affairs on Monday next for the purpose of receiving the answer to their final proposition.

I remain, with the highest consideration, your obedient servant,

Signed: William R. Day.

Señor Don E. Montero Rios, etc., etc., etc.

Protocol No. 17.

Conference of November 30, 1898.

Present: On the part of the United States: Messrs: Day, Davis, Frye, Gray, Reid, Moore, Fergusson.

On the part of Spain: Messrs: Montero Rios, Abarzuza, Garnica, Villa-Urrutia, Cerero, Ojeda.

Protocolo No. 17.

Conferencia del 30 de Noviembre de 1898.

Presentes Por parte de los Estados Unidos de América. los Señores Day, Davis, Frye, Gray, Reid, Moore, Fergusson.

Por parte de España los Señores Montero Ríos, Abarzuza, Garnica, Villa-Urrutia, Cerero, Ojeda.

The protocol of the preceding session was read and approved.

The President of the American Commission presented a draft of articles with reference to the conclusion of a definitive treaty, in the first part of which draft were included the articles agreed upon by the two Secretaries for submission to the Joint Commission, in relation to, the matters comprised in the proposition accepted by the Spanish Commissioners at the last session.

The Joint Commission then proceeded to the consideration of the draft, article by article, and, after discussing some of the articles, decided to adjourn the session, and to continue the discussion at the next conference, which was fixed for Thursday, the 1st of December, at three o'clock, p. m.

WILLIAM R. DAY
CUSHMAN K. DAVIS
WM P FRYE
GEO. GRAY
WHITELAW REID.
JOHN B. MOORE.

Fué leída y aprobada el acta de la sesión anterior.

El Presidente de la Comisión Americana presenta un proyecto de artículos para la conclusión de un tratado de paz definitivo, en cuya parte primera están incluídos los que fueron acordados entre los Secretarios de ambas Comisiones para ser sometidos á la Comisión en pleno, relativos á las materias comprendidas en la proposición aceptada por los Comisarios Españoles en la última sesión.

La Comisión en pleno procedió entonces al examen de los artículos uno por uno y después de discutir algunos de ellos, decidió levantar la sesión y continuar la discusión en la próxima Conferencia, que se fijó para el Jueves 1º de Diciembre á las 2 P. M.

E. MONTERO RÍOS
B. DE ABARZUZA
J. DE GARNICA
W. R. DE VILLA-URRUTIA
RAFAEL CERERO
EMILIO DE OJEDA

PROTOCOL No. 18.

Conference of December 2, 1898.

The session which was to have been held yesterday having been postponed by mutual agreement, owing to a lack of time to examine the modifications and additions proposed by the Spanish Commissioners to the draft of a treaty presented by the American Commissioners at the session of November 30, the two Commissions met to-day at two p. m., there being

Present On the part of the United States: Messrs: Day, Davis, Frye, Gray, Reid, Moore, Fergusson.

On the part of Spain: Messrs: Montero Rios, Abarzuza, Garnica, Villa-Urrutia, Cerero, Ojeda.

PROTOCOLO No 18.

Conferencia del 2 Diciembre de 1898.

Aplazada de común acuerdo la conferencia que debió celebrarse ayer por falta de tiempo para examinar las modificaciones y adiciones propuestas por los Comisarios Españoles al proyecto de Tratado presentado por los Comisarios Americanos en la sesión del 30 de Noviembre, reuniéronse hoy á las 2 p. m. ambas Comisiones hallándose

Presentes Por parte de los Estados Unidos de América: los Señores Day, Davis, Frye, Gray, Reid, Moore, Fergusson.

Por parte de España: los Señores Montero Ríos, Abarzuza, Garnica, Villa-Urrutia, Cerero, Ojeda.

The protocol of the preceding session was read and approved.

The President of the American Commission observed that at the last session he had presented a draft of articles for a final treaty, and asked the Spanish Commissioners if they had examined it, and were ready to give their reply.

The President of the Spanish Commission answered that he had consulted his Government, and that he could not reply until he had received its instructions; but that, in any case, the Spanish Commission was not inclined to treat of subsidiary points as the American Commission desired, without having first disposed of all the points essential to the treaty of peace.

The President of the American Commission asked the President of the Spanish Commission whether he could state when he would receive the instructions; and the latter replied that he would probably receive them to-day or to-morrow.

The American Commissioners proposed that the Commission proceed to the reading and discussion of the articles presented by them that were not taken up at the last session. The President of the Spanish Commission observed that as those articles were divided into two parts, one comprising the first eight articles examined and approved at the last session with the exception of four points, three of which the Americans were to examine and the fourth of which was to be submitted by the Spaniards to their Government, and as the other part also was dependent upon instructions from that Government, he deemed it useless to examine and discuss the latter part. And, on the other hand, he stated that the Secretary General of the Spanish Commission had delivered to the Secretary General of the American Commission a draft of other articles which must necessarily form part of the treaty

Fué leída y aprobada el acta de la sesión anterior.

El Presidente de la Comisión Americana recuerda que en la última sesión presentó un proyecto de artículos para un tratado definitivo y pregunta á los Comisarios Españoles si lo han examinado y están dispuestos á dar una contestación

El Presidente de la Comisión Española manifiesta que ha consultado á su Gobierno y no puede contestar hasta haber recibido sus instrucciones; pero de todos modos no está dispuesta la Comisión Española á tratar de los puntos accessorios que desea la Americana sin que antes se haya concluido con todo lo relativo á lo que constituye esencialmente el Tratado de paz.

El Presidente de la Comisión Americana pregunta al de la Española si puede decirle cuando recibirá dichas instrucciones, y el Presidente de la Comisión Española contesta que probablemente las recibirá de hoy á mañana.

Proponen los Comisarios Americanos que se proceda á la lectura y discusión de los artículos por ellos propuestos que no fueron examinados en la sesión anterior y el Presidente de la Comisión Española hace observar que dividiéndose dichos artículos en dos partes: una compuesta de los ocho primeros artículos ya examinada y aprobada en la última sesión salvo cuatro puntos tres de los cuales quedaron los Americanos en estudiar y el 4° quedaron los Españoles en consultar á su Gobierno, y la otra pendiente también de instrucciones de su Gobierno, cree inútil examinar y discutir esta última. En cambio hace presente que el Secretario General de la Comisión Española ha entregado al de la Americana el proyecto de los demás artículos que deben formar parte necesariamente del Tratado de paz y sobre los cuales hasta el presente momento la Comisión Americana nada ha contestado y además que

of peace and with respect to which the American Commissioners had not as yet given an answer; and further that the American Commission was to have consulted its Government and to give an answer to-day on the three points above mentioned as forming a part of some of the eight articles already approved, which answer was necessary in order that the agreement previously reached upon these articles might be enlarged; and that, therefore, with a view to preserve in the discussion the natural order, he considered it requisite that the articles that were indispensable to such treaty should be completed by the answer of the American Commissioners before passing on to the discussion of points of minor interest which did not affect the concluding of peace, though this did not imply that the Spanish Commissioners did not entertain the desire to take them up at the proper time.

la Comisión Americana quedó en consultar á su Gobierno y en dar hoy contestación sobre dichos tres indicados puntos relativos á algunos de los ocho artículos aprobados que faltaban para ampliar sobre dichos puntos el acuerdo ya tomado sobre aquellos y que por tanto, con objeto de guardar en la discusión el orden natural, considera necesario que se completen estos artículos indispensables de dicho Tratado con la contestación de los Comisarios Americanos, antes de pasar á discutir puntos de menor interés que no afecton á la conclusión de la paz, lo cual no quiere decir que los Comisarios Españoles no tengan el deseo de tratar oportunamente de ellos.

The American Commissioners insisted that these subsidiary points be taken up, or all discussion be postponed until the Spanish Commissioners shall have received instructions to treat upon all the points which have been submitted to them.

Insisten los Comisarios Americanos en que deben ser examinados estos puntos subsidiarios ó renunciarse á toda discusión hasta que los Comisarios Españoles hayan recibido instrucciones para tratar sobre todos los puntos que les hayan sido sometidos.

The President of the Spanish Commission held to his opinion, insisting that even after the instructions of his Government with respect to the subsidiary points were received, the Spanish Commission would not discuss them until after the termination of the discussion of the articles which it had presented, and which related to the treaty of peace proper. The American Commission having inquired as to what were the three points to which the President of the Spanish Commission had above referred, which the American Commissioners were to examine, he replied that they were as follows: The extending to Cuba and Porto Rico of the commercial treatment granted to Spain in the Philip-

Mantiene el Presidente de la Comisión Española su opinión insistiendos en que aún después de recibidas las instrucciones de su Gobierno sobre tales puntos accesorios la Comisión Española no entrará á discutirlos sino después que se haya terminado la discusión de los artículos que tiene presentado y que son relativos al Tratado de paz propriamento dicho, y habiéndole preguntado la Comisión Americana cuales eran los tres puntos á que se refería el Presidente de la Comisión Española y que debían ser examinados por la Comisión Americana, contesta que son tres, á saber: ampliación á Cuba y Puerto Rico del trato comercial concedido á España en Filipinas; repatriación por cuenta de ambas

pines; the repatriation at the expense of both nations of the prisoners taken, and the return to Spain of the war material in Cuba and Porto Rico with respect to which the evacuation commissions had not come to a decision, since such material in the Philippines, he understood, belonged to Spain. He added that the Spanish Commission had promised to consult its Government regarding the maintenance of public order in the Philippines, and that if the American Commissioners were ready to enter upon the discussion to which they were invited, he would, without having received instructions, undertake to give a categorical answer upon this point, which answer he was confident his Government would ratify.

The discussion continued, the American Commission insisting on its proposal to discuss the whole of its draft, or to postpone all discussion until the Spanish Commission should have instructions upon all points. The Spanish Commission, holding to its opinion that it was duly authorized to treat upon everything essential to the treaty of peace, and therefore ready to sign its articles at once, but determined not first to treat of those points which are not essential to the treaty, asked that its readiness to discuss in the natural order whatever related directly to the treaty of peace, be spread upon the minutes.

The arguments on both sides having been repeated, the President of the American Commission stated that he as well as his colleagues hoped that the relations of the two countries might not be limited to the strict terms of a treaty of peace, but rather that an agreement might be reached for mutual concessions which would be beneficial to both Governments and promote the cordiality in their relations. The President of the Spanish Commission stated that this was also the desire

naciones de los prisioneros hechos, y devolución á España del material de guerra en Cuba y Puerto Rico de que ya no hubieran dispuesto las Comisiones de evacuación, porque en cuanto al existente en Filipinas entiende el Presidente que pertenecía á España. Añade que por su parte la Comisión Española se comprometió á consultar acerca del mantenimiento del orden público en Filipinas y que si los Comisarios Americanos están dispuestos á aceptar la discusión á que les invita, él se compromete sin haber recibido instrucciones á dar sobre este punto una respuesta categórica que su Gobierno confía en que ratificará.

Continuó la discusión manteniendo la Comisión Americana su propósito de discutir el conjunto de su proyecto ó de aplazar toda discusión hasta que la Española tenga instrucciones sobre todos sus extremos, y sosteniendo la Española su criterio de que están debidamente autorizados á tratar de cuanto constituye el Tratado de paz esencialmente dicho, y dispuestos por tanto á firmar sus cláusulas al punto; pero resueltos á no tratar antes aquellos puntos que no son esenciales á dicho tratado, desean conste en el acta su disposición á seguir discutiendo por suorden natural cuanto á dicho Tratado de paz directamente se refiere.

Repítense los argumentos por una y otra parte y habiendo manifestado el Presidente de la Comisión Americana que tanto él como sus colegas esperaban que no se limitarían las relaciones de ambos paises á las condiciones estrictas de un Tratado de paz, sino que podría llegarse á un acuerdo sobre mutuas concesiones beneficiosas para ambos Gobiernos y que fomentarían la cordialidad en sus relaciones, el Presidente de la Comisión Española manifestó que tales eran también los deseos de

of the Spanish Commissioners, but that to his mind it would be easier to reach an understanding upon the less important points if the decisions arrived at on the necessary articles of the treaty of peace were satisfactory.

The American Commissioners proposed to adjourn the session in order that the instructions awaited by the Spanish Commissioners might arrive, and to examine the articles presented by the latter.

The Spanish Commissioners agreed to this, and the session was adjourned till Saturday, the 3rd instant, at two p. m.

WILLIAM R. DAY
CUSHMAN K. DAVIS
WM P FRYE
GEO. GRAY
WHITELAW REID.
JOHN B. MOORE.

los Comisarios Españoles pero que en su sentir cuanto más satisfactorias fuesen las soluciones dadas á los artículos indispensables del Tratado de paz más se facilitaría la inteligencia á que podría llegarse respecto de los demás puntos menos importantes.

Los Comisarios Americanos propusieron aplazar la sesión á fin de dar lugar á que llegasen las instrucciones que aguardaban los Comisarios Españoles y á estudiar los artículos por estos presentados.

Acordado así por la Comisión Española se aplazó la sesión para el sábado 3 del corriente á las 2, p. m.

E. MONTERO RÍOS
B. DE ABARZUZA
J. DE GARNICA
W R DE VILLA URRUTIA
RAFAEL CERERO
EMILIO DE OJEDA

PROTOCOL No. 19

Conference of December 5, 1898.

At the request of the American Commissioners the session which was to have been held on Saturday the 3rd instant was postponed until today at three p. m., when there were

Present On the part of the United States: Messrs: Day, Davis, Frye, Gray, Reid, Moore, Fergusson.

On the part of Spain: Messrs: Montero Rios, Abarzuza, Garnica, Villa-Urrutia. Cerero, Ojeda.

The protocol of the preceding session was read and approved.

The President of the American Commission asked the President of the Spanish Commission whether he had received instructions from his Government touching the points on which the American Commissioners desired to treat.

The President of the Spanish Commission replied that he had in

PROTOCOLO No. 19.

Conferencia del 5 Diciembre de 1898.

A petición de los Comisarios Americanos la sesión que debió celebrarse el Sábado 3 del corriente fué aplazada para hoy á las 3, hallándose en dichos día y hora

Presentes Por parte de los Estados Unidos de América: los Señores Day Davis Frye Gray Reid Moore, Fergusson.

Por parte de España los Señores Montero Ríos, Abarzuza, Garnica, Villa-Urrutia, Cerero, Ojeda.

Fué leída y aprobada el acta de la sesión anterior.

Pregunta el Presidente de la Comisión Americana al Presidente de la Comisión Española si ha recibido instrucciones de su Gobierno relativas á los puntos que la Comisión americana deseaba tratar, y el Presidente de la Comisión Española contesta que en efecto las ha recibido pero que reitera su propósito

fact received them; but he reiterated his purpose not to take up those points until the matters inherent in and essential to the treaty of peace proper should be discussed and finally approved.

It was agreed that the Commissions should communicate to each other the answers of their respective Governments to the questions previously submitted to them. The President of the American Commission stated, in the first place, that his Government was not willing to grant and embody in the treaty of peace the extension to Porto Rico and Cuba of the commercial treatment offered to Spain in the Philippines for ten years; but that, recognizing the advisability of concluding a commercial agreement between the countries, the subject might be treated of in a general commercial convention.

With respect to the return and transportation at the expense of each nation of the prisoners taken by it, it was agreed, as an addition to Article VIII, that Spain and the United States should transport them at their expense to the nearest port of their respective countries, but that the transportation of prisoners of war taken in the Philippines should not include native soldiers but only Peninsular Spaniards in the army. The Secretaries-General of the two Commissions were charged with the framing of this addition to Article VIII.

With regard to the return of the war material in Cuba and Porto Rico not disposed of by the evacuation commissions, the American Commissioners declared that they were not authorized to treat.

With respect to the war material in the Philippines, the American Commissioners stated that it should be governed by the same conditions as were agreed to by the evacuation commissions in the West Indies.

de no tratar dichos puntos hasta que se hayan discutido y aprobado definitivamente los asuntos que son inherentes y esenciales al Tratado de paz propiamente dicho.

Se convino en comenzar por comunicarse ambas Comisiones las contestaciones respectivas de sus Gobiernos á los puntos que les fueron sometidos anteriormente y manifiesta el Presidente de la Comisión Americana en primer lugar, que su Gobierno no está dispuesto á conceder y consignar en este Tratado de paz la extensión á Puerto Rico y á Cuba del trato comercial ofrecido á España durante diez años en Filipinas; pero que reconociendo la coveniencia de que se pacte un acuerdo comercial entre ambos paises, podria tratarse este asunto en un tratado de comercio.

Respecto de la devolución y trasporte por cuenta de una y otra Nación de los prisioneros hechos por cada una de ellas, se acuerda como adición al Artículo VIII, que España y los Estados Unidos los trasportarán á su costa al puerto más cercano de sus paises respectivos, pero que el trasporte de los prisioneros de guerra hechos en Filipinas, no se extenderá á los soldados indígenas sino á los individuos peninsulares de aquel ejército. Los Secretarios Generales de ambas Comisiones quedan encargados de la redacción de esta adición al Artículo VIII.

En lo relativo á la devolución del material de guerra en Cuba y Puerto Rico de que no hayan dispuesto las Comisiones de evacuación, la Comisión Americana se declara incompetente para tratar.

Respecto del material de guerra existente en Filipinas, los Comisarios Americanos manifestaron que debia ajustarse á las mismas condiciones acordadas por las Comisiones de evacuación en las Antillas.

The President of the Spanish Commission and his colleagues maintained that the cession of the archipelago did not carry and could not carry with it anything except what was of a fixed nature; they explained the character of the siege artillery and heavy ordnance which the Americans claimed for themselves, and after some discussion to the end of determining precisely what each Commission understood as portable and fixed material, it was agreed that stands of colors, uncaptured war vessels, small arms, guns of all calibres, with their carriages and accessories, powder, ammunition, live stock, and materials and supplies of all kinds belonging to the land and naval forces shall remain the property of Spain; that pieces of heavy ordnance, exclusive of field artillery, in the fortifications, shall remain in their emplacements for the term of six months to be reckoned from the ratification of the treaty; and that the United States might, in the mean time, purchase such material from Spain, if a satisfactory agreement between the two Governments on the subject should be reached.

It was agreed that the Secretaries-General of the two Commissions should be entrusted with the framing of such an article.

The President of the Spanish Commission, having agreed at the last session to consult his Government regarding the proposal of the American Commissioners that the United States should maintain public order over the whole Philippine Archipelago, pending the exchange of ratifications of the treaty of peace, stated that the answer of his Government was that the authorities of each of the two nations should be charged with the maintenance of order in the places where they might be established, those authorities agreeing among themselves to this end whenever they might deem it necessary.

El Presidente de la Comisión Española y sus colegas manifestaron que la cesión de dicho Archipiélago no llevaba ni podía llevar consigo sino lo que es de carácter inmueble, explicaron las condiciónes de la artillería de plaza y de sitio que reclamaban para si los Americanos, y después de alguna discusión al efecto de determinar con precisión lo que una y otra Comisión entendian por material portátil y material fijo, se conviene en que serán propiedad de España banderas y estandartes, buques de guerra no apresados, armas portátiles, cañones de todos calibres con sus montajes y accesorios, pólvoras, municiones, ganado, material y efectos de toda clase pertenecientes á los ejércitos de mar y tierra; que las piezas de grueso calibre, que no sean artillería de campaña, colocadas en las fortificaciones y en las costas, quedarán en sus emplazamientos por el plazo de seis meses á partir del canje de ratificaciones del tratado; y que los Estados Unidos podrán, durante este tiempo, comprar á España dicho material si ambos Gobiernos llegan á un acuerdo satisfactorio sobre el particular.

Se acuerda que los Secretarios Generales de ambas Comisiones queden encargados de redactar dicho artículo.

El Presidente de la Comisión Española habiendo quedado en la sesión anterior en consultar á su Gobierno, respecto la proposición de los Comisarios Americanos por la cual los Estados Unidos mantendrían el orden en todo el Archipiélago filipino, mientras se ratificaba el Tratado de paz, manifiesta que la contestación de su Gobierno es que las Autoridades de cada una de ambas naciones cuiden de conservar el orden en las regiones en que se hallen establecidas y poniéndose con este objeto de acuerdo unas y otras cuando lo estimen necesario.

In view of this reply the American Commissioners did not insist that their proposal should be incorporated in the treaty.

The reading in English and Spanish of the articles of the treaty from the first to the eighth inclusive was then proceeded with, and they were approved by both Commissions, which declared them to be final save as to mere modifications of form, upon which the Secretaries-General might endeavor to agree.

The President of the American Commission, desiring that the discussion of the matters presented by that Commission should next be taken up, the President of the Spanish Commission maintained the opinion which he had expressed at the last session, and at the beginning of this, to the effect that the examination of those matters should not be entered upon until the Commissions had discussed what was essential to the treaty of peace, and that therefore the articles proposed by the Spanish Commission as additional to the first eight, should be taken up.

It was agreed that in view of the lateness of the hour the session should be adjourned until tomorrow, Tuesday, the 6th instant, at two, p. m.

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GEO. GRAY
WHITELAW REID.
JOHN B. MOORE.

En vista de esta contestación, los Comisarios Americanos no insistieron en que formase su proposición parte del Tratado.

Se procede en seguida á la lectura en español y en inglés de los artículos del tratado desde el primero al ocho inclusive y son aprobados por ambas Comisiones que los declaran definitivos salvas cualquiera modificación de mera forma sobre las cuales tratarían de ponerse de acuerdo los Secretarios Generales.

Deseando entonces el Presidente de la Comisión Americana que se pasase á la discusión de los puntos presentados por su Comision, y manteniendo el Presidente de la Comisión Española el criterio que habia sostenido en la sesión anterior y al principio de esta, de que no podía pasarse al examen de dichos puntos sin haber antes discutido cuanto era esencial al tratado de paz y tomando por tanto en consideración los artículos adicionales á los ocho primeros, propuestos por la Comisión Española, acordose que en vista de lo avanzado de la hora se aplazase la sesión hasta mañana martes 6 del corriente á las dos, p. m.

EUGENIO MONTERO RÍOS
B. DE ABARZUZA
J. DE GARNICA
W R DE VILLA URRUTIA
RAFAEL CERERO
EMILIO DE OJEDA

ANNEX TO PROTOCOL NO. 19.

THE EIGHT ARTICLES AS DISCUSSED IN THE CONFERENCE.

PREAMBLE.

The United States of America and Her Majesty the Queen Regent of Spain, in the name of her August Son Don Alfonso XIII,

PREAMBULO.

. M. la Reina Regente de España, en nombre de Su Augusto Hijo Don Alfonso XIII, y los Estados Unidos de America, dese-

desiring to end the state of war now existing between the two countries, have for that purpose appointed as Plenipotentiaries:

The President of the United States, William R. Day, lately Secretary of State; Cushman K. Davis, a Senator of the United States; William P. Frye, a Senator of the United States: George Gray, a Senator of the United States; and Whitelaw Reid, lately Minister Plenipotentiary of the United States to France;

And Her Majesty the Queen Regent of Spain, (here insert names and titles).

Who, having assembled in Paris, and having exchanged their full powers, which were found to be in due and proper form, have, after discussion of the matters before them, agreed upon the following articles:

ARTICLE I.

Spain hereby relinquishes all claim of sovereignty over and title to Cuba.

And as the island is, upon its evacuation by Spain, to be occupied by the United States, the United States will, so long as such occupation shall last, assume and discharge the obligations that may under international law attach to its character as occupant, for the protection of life and property.

ARTICLE II.

Spain hereby cedes to the United States the Island of Porto Rico and other islands now under Spanish sovereignty in the West Indies, and the Island of Guam in the Ladrones or Marianas.

ARTICLE III.

Spain hereby cedes to the United States the archipelago known as

ando poner término al estado de guerra hoy existente entre ambas Naciones, han nombrado con este objeto por sus Plenipotenciarios, á saber:

S. M. la Reina Regente de España á (aquí se insertan los nombres) y el Presidente de los Estados Unidos de America á (aquí se insertan los nombres).

Los cuales reunidos en Paris, despues de haberse comunicado sus plenipotencias respectivas, habiendolas hallado en buena y debida forma, previa la discusion de las materias pendientes. han convenido en los articulos siguientes:

ARTÍCULO 1º.

España por el presente renuncia todo derecho de Soberania y propiedad sobre la Isla de Cuba.

En atencion á que dicha Isla está á punto de ser evacuada por España y ocupada por los Estados Unidos, los Estados Unidos mientras dure su ocupacion, tomarán sobre sí y cumplirán las obligaciones que el derecho internacional ímpone á un caracter de ocupantes, para la proteccion de vidas y haciendas.

ARTÍCULO 2º.

España por el presente Tratado cede á los Estados Unidos la Isla de Puerto Rico y las demas que estan ahora bajo su soberania en las Indias Occidentales, y la Isla de Guám en el Archipiélago de las Marianas ó Ladrones.

ARTÍCULO 3º.

Cede tambien España á los Estados Unidos el Archipiélago cono

the Philippine Islands, and comprehending the islands lying within the following line:

A line running from west to east along or near the twentieth parallel of north latitude, and through the middle of the navigable channel of Bachi, from the one hundred and eighteenth (118th) to the one hundred and twenty-seventh (127th) degree meridian of longitude east of Greenwich, thence along the one hundred and twenty-seventh (127th) degree meridian of longitude east of Greenwich to the parallel of four degrees and forty-five minutes (4° 45′) north latitude, thence along the parallel of four degrees and forty-five minutes (4° 45′) north latitude to its intersection with the meridian of longitude one hundred and nineteen degrees and thirty-five minutes (119° 35′) east of Greenwich, thence along the meridian of longitude one hundred and nineteen degrees and thirty-five minutes (119° 35′) east of Greenwich to the parallel of latitude seven degrees and forty minutes (7° 40′) north, thence along the parallel of latitude of seven degrees and forty minutes (7° 40′) north to its intersection with the one hundred and sixteenth (116th) degree meridian of longitude east of Greenwich, thence by a direct line to the intersection of the tenth (10th) degree parallel of north latitude with the one hundred and eighteenth (118th) degree meridian of longitude east of Greenwich, and thence along the one hundred and eighteenth (118th) degree meridian of longitude east of Greenwich to the point of beginning.

The United States will pay to Spain the sum of twenty million dollars ($20,000,000) within three months after the exchange of the ratifications of the present treaty.

ARTICLE IV.

The United States will, upon the signature of the present treaty, send back to Spain, at its own cost,

cido por Islas Filipinas, situado dentro de las lineas siguientes:

Una linea que corre de Oeste á Este, cerca del 20° paralelo de latitud Norte, á través de la mitad del canal navegable de Bachi, desde el 118° al 127° grados de longitud Este de Greenwich; de aqui á lo largo del ciento veintisiete (127) grado meridiano de longitud Este de Greenwich al paralelo cuatro grados cuarenta y cinco minutos (4° 45′) de latitud Norte; de aqui siguendo el paralelo de cuatro grados cuarenta y cinco minutos de latitud Norte (4° 45′) hasta su interseccion con el meridiano de longitud ciento diez y nueve grados y treinta y cinco minutos (119° 35′) Este de Greenwich; de aqui siguiendo el meridiano de longitud ciento diez y nueve grados y trienta y cinco minutos (119° 35′) Este de Greenwich al paralelo de latitude siete grado cuarenta minutos (7° 40′) Norte, de aqui siguiendo el paralelo de latitud siete grados cuarenta minutos (7° 40′) Norte á su interseccion con el ciento diez y seis (116°) grado meridiano de longitud Este de Greenwich, de aqui por una línea recta á la interseccion del décimo grado paralelo de latitud Norte, con el ciento diez y ocho (118°) grado meridiano de longitud Este de Greenwich, y de aqui siguiendo el ciento diez y ocho grado (118°) meridiano de longitud Este de Greenwich al punto en que comienza esta demarcacion.

Los Estados Unidos pagarán á España la suma de veinte millones de dollars ($20,000,000) dentro de tres meses despues del canje de ratificaciones del presente tratado.

ARTÍCULO 4°.

Los Estados Unidos al ser firmado el presente tratado trasportarán á España á su costa los soldados

the Spanish soldiers taken as prisoners of war on the capture of Manila by the American forces. The arms of the soldiers in question shall be restored to them.

Spain will, upon the exchange of the ratifications of the present treaty proceed to evacuate the Philippines, as well as the Island of Guam, on terms similar to those agreed upon by the Commissioners appointed to arrange for the evacuation of Porto Rico and other islands in the West Indies, under the Protocol of August 12 1898, which is to continue in force till its provisions are completely executed. The time within which the evacuation of the Philippines and of the Island of Guam shall be completed shall be fixed by the two Governments.

ARTICLE V.

In conformity with the provisions of Articles I, II and III of this treaty, Spain relinquishes in Cuba, and cedes in Porto Rico and other Islands in the West Indies, in the Island of Guam, and in the Philippine Archipelago, all the buildings, wharves, barracks. forts, structures, public highways and other immovable property which in conformity with law belong to the public domain, and as such belong to the Crown of Spain.

And it is hereby declared that the relinquishment or cession, as the case may be, to which the preceding paragraph refers, cannot in any respect impair the property or rights which by law belong to the peaceful possession of property of all kinds, of provinces, municipalities, public or private establishments, ecclesiastical or civic bodies, or any other associations having legal capacity to acquire and possess property in the aforesaid territories renounced or ceded, or of private individuals, of whatsoever nationality such individuals may be.

españoles que hicieron prisioneros de guerra las fuerzas Americanas al ser capturada Manila. Las armas de estos soldados les serán devueltas.

España al ratificarse el presente tratado, procederá á evacuar las Islas Filipinas, así como la de Guam, en condiciones semejantes á las acordadas por las comisiones nombradas para concertar la evacuacion de Puerto Rico y otras Islas en las Indias Occidentales, segun el Protocolo de 12 de Agosto de 1898, que continuará en vigor hasta que sean completamente cumplidas sus disposiciones. El término dentro del cual será completada la evacuación de las Islas Filipinas y de la de Guam, será fijada por ambos Gobiernos.

ARTICULO 5º.

En cumplimiento de lo convenido en los artículos 1º, 2º y 3º de este tratado, España renuncia en Cuba y cede en Puerto Rico y en las otras Islas de las Indias Occidentales y en la Isla de Guam, en las Islas Filipinas, todos los edificios, muelles, cuarteles, fortalezas, establecimientos, vias públicas y demas bienes inmuebles, que con arreglo á derecho son del dominio público y como tal corresponden á la Corona de España.

Queda por lo tanto declarado que esta renuncia ó cesion, segun el caso, á que se refiere el párrafo anterior, en nada puede mermar la propiedad ó los derechos que correspondan con arreglo á las leyes al poseedor pacífico, de los bienes de todas clases de las provincias, municipios, establecimientos públicos ó privados, corporaciones civiles ó eclesiásticas, ó de cualesquiera otras colectividades que tienen personalidad jurídica para adquirir y poseer bienes en los mencionados territorios renunciados ó cedidos, y los de los individuos particulares cualquiera que sea su nacionalidad.

The aforesaid relinquishment or cession, as the case may be, includes all documents exclusively referring to the sovereignty relinquished or ceded that may exist in the archives of the Peninsula. Where any document in such archives only in part relates to such sovereignty, a copy of such part will be furnished whenever it shall be requested. Like rules shall be reciprocally observed in favor of Spain in respect of documents in the archives of the islands above referred to.

In the aforesaid relinquishment or cession, as the case may be, are also included such rights as the Crown of Spain and its authorities possess in respect of the official archives and records, executive as well as judicial, in the islands above referred to, which relate to said islands or the rights and property of their inhabitants. Such archives and records shall be carefully preserved, and private persons shall without distinction have the right to require, in accordance with law, authenticated copies of the contracts, wills and other instruments forming part of notarial protocols or files, or which may be contained in the executive or judicial archives, be the latter in Spain or in the islands aforesaid.

ARTICLE VI.

The United States and Spain, in consideration of the provisions of this treaty, hereby mutually relinquish all claims for indemnity, national and individual, of every kind, (including all claims for indemnity for the cost of the war,) of either Government, or of its citizens or subjects, against the other Government, that may have arisen since the beginning of the late insurrection in Cuba and prior to the ratification of the present treaty.

Dicha renuncia ó cesion, segun el caso, incluye todos los documentos que se refieran exclusivamente á dicha Soberania renunciada ó cedida que existan en los Archivos de la Peninsula. Cuando estos documentos existentes en dichos Archivos, solo en parte correspondan á dicha Soberania, se facilitarán copias de dicha parte, siempre que sean solicitadas. Reglas análogas habrán reciprocamente de observarse en favor de España respecto de los documentos existentes en los Archivos de las Islas antes mencionadas.

En las antescitadas renuncia ó cesion, segun el caso, se hallan comprendidos aquellos derechos de la Corona de España y de sus Autoridades sobre los Archivos y Registros Oficiales, así administrativos como judiciales de dichas Islas que se refieran á ellas ó á los derechos y propiedades de sus habitantes. Dichos archivos, registros, etc., deberán ser cuidadosamente conservados y los particulares sin excepcion, tendrán derecho á sacar con arreglo á las Leyes, las copias autorizadas de los contratos, testamentos y demas documentos que formen parte de los protocolos notariales ó que se custodien en los archivos administrativos ó judiciales, bien estos se hallen en España, ó bien en las Islas de que se hace mencion anteriormente.

ARTÍCULO 6º.

España y los Estados Unidos de América en atencion á lo establecido por este tratado, renuncian mutuamente por el presente á toda reclamacion de indemnizacion nacional ó privada de cualquier género (incluyendo toda reclamación por indemnizaciones por el coste de la guerra), de un Gobierno contra el otro, ó de sus súbditos ó ciudadanos contra el otro Gobierno, que puedan haber surgido desde el comienzo de la última insurreccion en Cuba y anterior á la ratificación del presente tratado.

ARTICLE VII.

The United States will, for the term of ten years from the date of the exchange of the ratifications of the present treaty, admit Spanish ships and merchandise to the ports of the Philippine Islands on the same terms as ships and merchandise of the United States.

ARTÍCULO 7°.

Los Estados Unidos durante el término de diez años á contar desde el canje de la ratificacion del presente tratado, admitirán en los puertos de las Islas Filipinas los buques y las mercancías españoles, bajo las mismas condiciones que los buques y las mercancías de los Estados Unidos.

ARTICLE VIII.

Spain will, upon the signature of the present treaty, release all persons held by her as prisoners, military or political, in connection with the insurrections in Cuba and the Philippines, and the war with the United States.

Reciprocally, the United States will release all persons make prisoners of war by the American forces, and will undertake to obtain the release of all Spanish prisoners in the hands of the insurgents in Cuba and the Philippines.

ARTÍCULO 8°.

España al ser firmado el presente tratado, pondrá en libertad á todos los detenidos en calidad de prisioneros de guerra ó por delitos políticos, á consecuencia de las insurrecciones en Cuba, y en Filipinas, y de la guerra con los Estados Unidos. Reciprocamente los Estados Unidos pondrán en libertad á todos los prisioneros de guerra hechos por las fuerzas Americanas y gestionarán la libertad de todos los prisioneros españoles en poder de los insurrectos de Cuba y de Filipinas.

PROTOCOL No. 20.

Conference of December 6, 1898.

Present—On the part of the United States Messrs. Day, Davis, Frye, Gray, Reid, Moore, Fegusson.

On the part of Spain: Messrs: Montero Ríos, Abarzuza, Garnica, Villa-Urrutia, Cerero, Ojeda.

The protocol of the preceding session was read and approved.

The President of the American Commission, referring to the discussion that had taken place at the two preceding sessions on the subject of procedure, stated that he recognized the force of the position of the President of the Spanish Commission that the articles relating to the necessary part of the treaty should first be taken up;

PROTOCOLO No. 20.

Conferencia del 6 de Diciembre de 1898.

Presentes. Por parte de los Estados Unidos de América: los Señores Day, Davis, Frye, Gray, Reid, Moore, Fergusson.

Por parte de España: los Señores Montero Rios, Abarzuza, Garnica, Villa-Urrutia, Cerero, Ojeda.

El acta de la sesión anterior fué leída y aprobada.

El Presidente de la Comisión Americana, refiriéndose á la discusión habida en las dos anteriores sesiones respecto al orden de trabajos, declaró reconocer la razón que tenía el Presidente de la Comisión Española para discutir en primer término los artículos relativos á la parte necesaria del tratado; pero que, en opinión de los Comi-

but that, in the opinion of the American Commissioners, nothing was more strictly pertinent to a treaty of peace than a clause for the revival of treaties, which the war had suspended or terminated, such, for example, as the extradition treaty between the two countries; and he therefore proposed that the Joint Commission should take up, first, the article proposed by the American Commissioners for the revival of former treaties, then the articles proposed by the Spanish Commissioners, and then the rest of the articles proposed by the American Commissioners.

The President of the Spanish Commission replied that he felt compelled to insist upon the contention of that Commission on the subject of procedure, and that he begged to differ as to the order in which the article for the revival of treaties should be discussed; while such an article might be relevant to a treaty of peace, yet it was usually the last article of all, and should therefore be the last considered.

The President of the American Commission observed that, while the American Commissioners felt that their view was reasonable and proper, they desired to proceed with the business of the Joint Commission; and he inquired whether, if the articles proposed by the Spanish Commission were taken up and considered, all the articles proposed by the American Commission would then in like manner be taken up and considered.

The President of the Spanish Commission answered in the affirmative, adding that he had not proposed to take up the articles of the Spanish Commission because they were its articles, but because they were specially appropriate to a treaty of peace.

The President of the American Commission then took up the subject of nationality, in regard to

sarios Americanos, nada había más estrictamente pertinente á un tratado de paz que la renovación de los tratados suspendidos ó terminados por la guerra, tales como, por ejemplo, el tratado de extradición entre los dos paises; por lo cual proponía que la Comisión en pleno se ocupara en primer término del artículo propuesto por los Comisarios Americanos para renovar los anteriores tratados, siguiendo con los artículos propuestos por los Comisarios Españoles y acabando con los demás artículos propuestos por los Comisarios Americanos.

El Presidente de la Comisión Española replicó que debía insistir en el punto de vista adoptado por esta Comisión respecto al procedimiento, sintiendo no estar de acuerdo respecto al orden en que se había de discutír el artículo relativo á la renovación de los tratados, pues si bien es verdad que este artículo suele insertarse en los tratados de paz, ordinariamente es el último de todos, y debe por lo tanto ser el último de los que se estudian.

El Presidente de la Comisión Americana replicó que, aunque los Comisarios Americanos entendían que su punto de vista era razonable y adecuado, deseaben sin embargo adelantar los trabajos de la Comisión mixta, y preguntó que si los artículos propuestos por la Comisión Española eran discutidos y examinados, serían á su vez todos los artículos propuestos por la Comisión Americana de igual manera discutidos y examinados

El Presidente de la Comisión Española contestó afirmativamente, añadiendo que no había propuesto discutir los artículos de la Comisión Española porque fuesen los suyos propios, sino porque eran especialmente propios de un Tratado de paz.

El Presidente de la Comisión Americana empezó ocupándose de nacionalidad, respecto á la cual la

which the American Commission originally presented the following article:

"ARTICLE VI. Spanish subjects residing in the territory over which Spain by the present treaty relinquishes or cedes her sovereignty may remain in such territory, or may remove therefrom, retaining, in either event, all their rights of property; and, in case they remain, they may preserve their allegiance to the Crown of Spain, by making, before a court of record, within a year from the date of the signature of this treaty, a declaration of their decision to reserve such allegiance, in default of which declaration they shall be held to have renounced it and to have adopted the nationality of the territory in which they may reside. Except as provided in this treaty, the civil rights and political status of the inhabitants of the territories hereby ceded to the United States shall be determined by the Congress."

To this article the Spanish Commissioners proposed on the 30th of November the amendments contained in the two following articles:

"NATIONALITY.

"ARTICLE —. Spanish subjects now or hereafter residing or domiciled in the territory the sovereignty over which Spain relinquishes or cedes by the present treaty may live in or withdraw from said territory, acquiring and retaining in either case every kind of property, or, alienating and freely disposing thereof or of its value or proceeds; practice, with the freedom they now enjoy, industry, commerce, and other mechanical or liberal professions, and enjoy their personal status, without being subject to any exception prejudicial to the rights secured to them by this treaty. If they remain in the territory they shall be allowed to preserve their nationality by making before the proper officer a declara-

Comisión Americana presentó en un principio el artículo que sigue:

"ARTÍCULO VI. Los súbditos españoles que residan en el territorio cuya Soberanía España ha renunciado ó cedido por el presente tratado, podrán permanecer en dicho territorio, ó podrán salir de él, conservando en ambos casos todos sus derechos de propiedad, y en el caso de que permanecieran en él, podrán conservar su nacionalidad española haciendo ante una Oficina de registro, dentro del año de la fecha de la firma de este tratado, una declaración de su propósito de conservar dicha nacionalidad; á falta de esta declaración, se considerará que han renunciado su nacionalidad y aceptado la del territorio en que residen. A excepción de lo dispuesto por este tratado, los derechos civiles y la capacidad política de los habitantes de los territorios aquí cedidos á los Estados Unidos, serán definidos por el Congreso."

En 30 de Noviembre, los Comisarios Españoles propusieron que este Artículo se enmendara por medio de los dos artículos siguientes:

"NACIONALIDAD.

"ARTÍCULO —. Los súbditos españoles residentes ó domiciliados al presente ó en lo futuro en el territorio cuya soberanía España renuncia ó cede por el presente tratado, podrán vivir en dicho territorio ó retirarse de él, adquiriendo y conservando en uno ú otro caso, toda clase de propiedad ó realizándola y disponiendo libremente de ella ó de su valor ó producto, ejercer con la libertad que actualmente tienen, la industria, el comercio y demás profesiones mecánicas ó liberales y gozar de su estatuto personal; sin que puedan ser sometidos á ningún régimen de excepción en perjuicio de los derechos que en este tratado se les reconocen. Si permanecen en el territorio, podrán conservar su nacionali-

tion of such intention, within the term of one year, to be reckoned from the date of the exchange of ratifications of this treaty or the taking up of their residence therein.

"Failure to comply with this requirement shall be considered as a renunciation of their nationality, and the adoption of that of the territory in which they may reside. Save in the cases covered by this treaty, the civil rights and political condition of the Spaniards living in ceded territories shall be governed by the laws applicable to all other foreigners in the territory of their residence.

"ARTICLE —. All the other inhabitants of the territories ceded shall have the right to choose the Spanish nationality within the period of one year to be reckoned from the date of the exchange of the ratifications of this treaty, the choice to be made in the manner provided for in the preceding article. Notice thereof shall be given immediately to the Spanish Government, or to its consular officers, and without which requisite the nationality thus chosen shall not be at any time recognized."

The American Commissioners proposed, at this meeting, as a substitute for the foregoing articles, the following article:

"ARTICLE VI. Spanish subjects, natives of the Peninsula, residing in the territory over which Spain by the present treaty relinquishes or cedes her sovereignty may remain in such territory or may remove therefrom, retaining in either event all their rights of property, including the right to sell or dispose of such property or of its proceeds; and they shall also have the right to carry on their industry, commerce and professions, being subject in respect thereof to such laws as are applicable to

dad haciendo ante una oficina pública de registro una declaración de su propósito de conservar dicha nacionalidad, dentro del término de un año, que se contará desde la fecha del canje de ratificaciones de este tratado, ó desde que aquellos fijen allí su residencia.

"Si faltasen á este requisito, se les considerará como si la hubiesen renunciado y adoptado la nacionalidad del territorio en que residan. Excepto en cuanto previene este tratado, los derechos civiles y condición política de los españoles habitantes en los territorios cedidos, se regirán por las leyes comunes á todos los demás extrangeros en el territorio de su residencia."

"ARTÍCULO —. Los demás habitantes de los territorios cedidos podrán optar por la nacionalidad española en el término de un año, á contar desde el cambio de ratificaciones de este tratado, habiendo de hacer esta opción en la forma prescrita en el artículo anterior y ponerla inmediatamente además en conocimiento del Gobierno Español ó de sus agentes consulares, sin cuyo requisito no les será reconocida en ningún tiempo la nacionalidad de su opción."

Los Comisarios Americanos proponen en esta sesión, que los anteriores artículos sean sustituidos por el siguiente:

"ARTICULO VI. Los súbditos españoles naturales de la Península, que residan en el territorio cuya soberanía España renuncia ó cede por el presente tratado, podrán permanecer en dicho territorio ó marcharse de él, conservando en uno ú otro caso todos sus derechos de propiedad, con inclusión del derecho de vender ó disponer de tal propiedad ó de sus productos; y además tendrán el derecho de ajercer su industria, commercio ó profesión, sujetándose á este respecto á las leyes que sean appli-

other foreigners. In case they remain in the territory they may preserve their allegiance to the Crown of Spain by making, before a court of record, within a year from the date of the exchange of ratifications of this treaty a declaration of their decision to preserve such allegiance; in default of which declaration they shall be held to have renounced it and to have adopted the nationality of the territory in which they may reside.

"The civil rights and political status of the native inhabitants of the territories hereby ceded to the United States shall be determined by the Congress."

The President of the Spanish Commission objected to this article, as it was read, on various grounds; and, after some discussion, the President of the American Commission stated that with respect to the article in question, as well as the other articles which the American Commissioners might adopt, they would require, as a necessary condition of their adoption, the insertion in each article that was to run for a length of time of a clause limiting the obligation of the United States thereunder, in respect of Cuba, to the time of its occupation of the island, or else the insertion in the treaty of a general clause to this effect, as follows:

"It is understood that any obligation assumed by the United States with respect to Cuba is limited to the time of its occupancy thereof."

No conclusion having been reached on the articles in question; it was agreed that the rest of the articles should be read and then handed to the Spanish Commissioners in order that they might consider them and give their answer to the counter-proposals of the United States at the next conference, and that all the articles should be inserted in the protocol of today's conference.

cables á los demás extrangeros. En el caso de que permanezcan en en el territorio, podrán conservar su nacionalidad Española haciendo ante una oficina de registro, dentro de un año después del cambio de ratificaciones de esta tratado, una declaración de su propósito de conservar dicha nacionalidad; á falta de esta declaración, se considerará que han renunciado dicha nacionalidad y adoptado la del territorio en el cual pueden residir.

"Los derechos civiles y la condición política de los naturales que habitan los territorios aquí cedidos á los Estados Unidos se determinarán por el Congreso."

El Presidente de la Comisión Española presentó varias objeciones al texto de este artículo, y después de alguna discusión, el Presidente de la Comisión Americana declaró que con respecto al artículo en cuestión, como á los demás que los Comisarios Americanos puedan aceptar, pedirán que, como condición necesaria de su adopción, se inserte en todos los artículos que deban estar en vigor durante cierto tiempo, una cláusula limitando la obligación que de ellos se derive para los Estados Unidos, con respecto á Cuba, al tiempo de su ocupación de la Isla, ó en otro caso que se inscriba en el tratado una cláusula general que diga:

"Se entiende que cualquier obligación asumida por los Estados Unidos con respecto á Cuba, se limita al tiempo que ocupen á esta."

No habiéndose adoptado acuerdo alguno sobre este artículo, se convino en que se leyeran los demás y se entregaran á los Comisarios Españoles, para que pudieran examinarlos y contestar á las contraproposiciones de los Estados Unidos en la sesión próxima, decidiéndose además que, todos los artículos se insertaran en el protocolo de la conferencia de hoy.

Pursuant to this agreement, the following articles offered by the Spanish Commission were read:

"GRANTS AND CONTRACTS FOR PUBLIC WORKS AND SERVICES.

"ARTICLE —.

"All grants and contracts for public works and services in the islands of Cuba, Porto Rico, the Philippines and other ceded territory shall be maintained in force until their expiration, in accordance with the terms thereof, the new Government assuming all the rights and obligations thereby attaching up to the present time to the Spanish Government.

"PUBLIC CONTRACTS.

"ARTICLE—.

"Contracts formally entered into by the Spanish Government or its authorities for the public service of the islands of Cuba, and Porto Rico, the Philippines and others ceded by this treaty, and which contracts are still unperformed, shall continue in force until their expiration pursuant to the terms thereof. Such contracts as also cover the service peculiar to Spain or any of her other colonies, the new Government of the above mentioned islands shall not be called upon to carry out, save only in so far as the terms of said contracts relate to the particular service or treasury of such islands. The new Government will therefore, as regards the said contracts, be holden to all the rights and obligations therein attaching to the Spanish Government.

"List of Pending Contracts for Public Works and Services.

"Mail and Transportation contract with the Compañia Transatlantica.

En cumplimiento de este acuerdo, fueron leídos los siguientes artículos que habían sido propuestos por la Comisión Española:

"CONCESIONES DE OBRAS Y SERVICIOS PÚBLICOS.

"ARTÍCULO —.

Continuarán observándose igualmente todas las concesiones de obras y servicios públicos en las islas de Cuba, Puerto Rico, Filipinas y demás territorios cedidos, hasta su cancelación, con arreglo á las cláusulas con que hubiesen sido otorgadas, subrogándose el nuevo Gobierno en los derechos y en las obligaciones que por dichos contratos correspondieron hasta ahora al Gobierno Español."

"CONCESIONES DE OBRAS Y SERVICIOS PUBLICOS

"ARTÍCULO—

Los contratos regularmente celebrados por el Gobierno Español ó por sus Autoridades para el servicio público de las Islas de Cuba, Filipinas, Puerto Rico y demás que se ceden por este tratado, y cuyos contratos estén pendientes de cumplimiento, continuarán observándose hasta su terminación, con arreglo á sus cláusulas.

"En aquellos en que también estuviese interesado el servicio peculiar de España ó de cualquiera de sus demás colonias, el nuevo Gobierno de las islas sobredichas, no concurrirá á su cumplimiento, sino en la parte que, con arreglo al contrato mismo, corresponda á su servicio y Tesoro especial.

"Quedará por lo tanto el nuevo Gobierno subrogado en lugar del Español, en todos los derechos y obligaciones que de los mencionados contratos pudieran resultar en favor ó en contra de aquel.

"Lista de contratos pendientes por obras y servicios públicos.

"Contrato para correos y trasportes con la Compañia Trasatlantica."

"Contract with English Company ('Cuba Submarine') for the cable on the south of Cuba.

"Cable contract, Manila to Hong Kong, with another English Company ('The Eastern').

"Railroad concesssion from Manila to Dagupan.

"All other concessions for railroads now in operation or under construction in Cuba or Porto Rico.

"The above are all the contracts at present recalled, although it cannot be stated that there are not others relative to public works and services. None of recent date.

"December 1, 1898."

The President of the American Commission stated that the American Commissioners were constrained to reject these articles. The United States did not propose to repudiate any contract found upon investigation to be binding under International Law; but no such clauses as now proposed had been inserted in treaties heretofore made by the United States with Spain, France, Mexico and Russia, for the acquisition of territory; and it might be assumed that the United States would deal justly and equitably in respect of contracts that were binding under the principles of International Law.

The following article, proposed by the Spanish Commission, was then read:

"RELIGION.

"ARTICLE —.

The Roman Catholic Apostolic Religion, its institutions and ministers, shall continue to enjoy in all the territories which are the subject of this treaty the liberty and the rights in the undisturbed possession of which they are at present.

"The members of this Church, whatever their nationality, shall

"Contrata de la Compañia Inglesa (Cuba Submarine) para el cable en el Sur de Cuba.

"Contrato del cable de Manila á Hong Kong con otra Compañia Inglesa (The Eastern).

"Concesión del ferrocaril de Manila á Dagupán.

"Todas las demás concesiones de ferro-carriles en explotación ó en construcción en Cuba y Puerto Rico.

"Estos son los contratos que ahora se recuerdan, aunque no puede decirse si hay otros relativos á obras y servicios públicos, ninguno de ellos de fecha reciente.

"1º de Diciembre de 1898."

El Presidente de la Comisión Americana declaró que los Comisarios Americanos se veían obligados á rechazar estos Artículos. Los Estados Unidos no se proponen repudiar ningún contrato que, al ser examinado, se encuentre que obliga según la ley internacional; pero cláusulas parecidas á la que ahora se propone no se han insertado en tratados anteriormente celebrados por los Estados Unidos con España, Francia, México y Rusia por adquisición de territorios; y podía admitirse que los Estados Unidos obrarán con justicia y equidad en los contratos que los obliguen con areglo á los principios del derecho internacional.

Se leyó el siguiente artículo, propuesto por la Comision Española:

"RELIGIÓN.

"ARTÍCULO —.

La Religión Católica Apostólica Romana y sus instituciones y ministros continuarán gozando en todos los territorios que son objeto de este tratado, de la libertad y prerogativas en cuya posesión pacífica se hallan.

"Los fieles de esta Inglesia, cualquiera que sea su nacionalidad,

continue to enjoy the same liberty they now enjoy with respect to the profession of their religion and the exercise of their form of worship."

The President of the American Commission stated that the United States could make no distinction as to religion, and proposed the following article:

"RELIGION.

ARTICLE —.

"The inhabitants of the territory over which Spain relinquishes or cedes her sovereignty shall be secured in the free exercise of their religion."

The following article, proposed by the Spanish Commission, was read:

"THE 'MAINE.'

"*Draft of additional articles to the Treaty of Peace with the United States.*

"'MAINE.'

"ARTICLE —.

"At the request of the Spanish Government, the two High Contracting Parties agree to appoint an International Commission to be entrusted with investigating the causes of and responsibility for the 'Maine' catastrophe which occurred in the harbor of Havana on February 15, 1898. This International Commission shall be composed of seven experts to be appointed as follows:

"Three by the Spanish Government—one to be a Spanish subject, another a British subject, and a third a French subject.

"Three by the United States Government—one to be a citizen of the United States, another a British subject, and a third a French subject.

continuarán asimismo gozando de la libertad que hoy tienen para la profesión de su religión y el ejercicio de su culto."

El Présidente de la Comisión Americana declara que los Estados Unidos no pueden hacer distinción entre las religiones, y propone el artículo siguiente:

"RELIGIÓN.

ARTÍCULO —.

"Los habitantes del territorio, cuya Soberanía España renuncia ó cede, tendrán asegurado el libre ejercicio de su religión."

Se leyó el siguiente artículo propuesto por la Comisión Española:

"EL MAINE.

"*Proyecto de artículos adicionales al Tratado de paz con los Estados Unidos.*

"MAINE

"ARTÍCULO —.

A petición del Gobierno Español, las dos Altas Partes Contratantes convienen en nombrar una Comisión internacional encargada de depurar las causas y responsabilidades de la catástrofe del Maine, ocurrida en el puerto de la Habana el 15 de Febrero de 1898. Esta Comisión internacional, se compondrá de siete técnicos nombrados de la manera siguiente:

"Tres por el Gobierno Español, cuyos nombramientos han de recaer precisamente uno en un súbdito español, otro en un súbdito británico y el tercero en un súbdito francés.

"Tres por el Gobierno Norte Americano cuyos nombramientos habrán de recaer, uno en un ciudadano de los Estados Unidos.otro en un súbdito británico y el tercero en un súbdito francés.

"The Commission to be presided over, with a deciding vote, by a German expert, chosen by mutual agreement by the Spanish and American Governments.

"Should no agreement be reached hereon, the Spanish Government shall designate one person and the United States Government another, both persons to be experts and of German nationality, the choice for President to be decided by lot and the drawing to take place at the Department of State at Washington.

"The expenses of this Commission are to be borne in equal moieties by the two Governments, the Commission to meet in Havana at the earliest possible moment after the consent of the Governments of Germany, France and Great Britain is secured.

"In the event of the Spanish Government being found responsible, it shall pay to the United States its share of the expenses of the Commission. Further, a Spanish warship must go to New York and salute the flag of the United States.

"If, on the contrary, the Commission shall decide that Spain is not responsible, attributing the catastrophe to an accident inside the vessel or other fortuitous cause, the Government of the United States shall pay to Spain its share of the expenses of the Commission.

"Moreover, the President of the United States shall report the arbitral award to the Congress of the United States, setting forth in the official message the righteous course of the Spanish nation."

This article was rejected by the American Commissioners, who stated that they considered the case as closed.

The President of the Spanish Commission stated that he was unable to consider it as closed, since the President of the United States had referred to it in his

"Presidirá la Comisión con voto decisivo un técnico Alemán, elegido de común acuerdo por los Gobiernos Español y Americano. Caso de no llegarse á un acuerdo, el Gobierno Español designará un individuo y el Norte Americano otro, debiendo ser técnicos y de nacionalidad Alemana, y en el Ministero de Negocios Extrangeros de Washington sedicidirá por suerte el que haya de ser Presidente.

"Los dos Gobiernos sufragarán por mitad los gastos de esta Comisión que deberá reunirse en la Habana á la brevedad posible, previo el asentimiento de los Gobiernos de Alemania, Francia y Gran Bretaña.

"Caso de aparecer responsable el Gobierno Español, tendrá que abonar la parte de gastos correspondientes por esta Comisión á los Estados Unidos. Además, un barco de guerra español tendrá que ir á Nueva York á saludar el pabellón de los Estados Unidos.

"Si, por el contrario, decidiera la Comisión la irresponsabilidad de España, atribuyendo la catástrofe á un accidente en el interior del buque, ó caso fortuito, el Gobierno de los Estados Unidos tendrá que abonar la parte de gastos correspondiente por esta Comisión á España.

"Además, el Presidente de los Estados Unidos deberá dar cuenta de la sentencia arbitral á las Cámaras Norte-Americanas, haciendo constar en el Mensage Oficial la lealtad de proceder de la Nación Española."

Este artículo fué rechazado por los Comisarios Americanos, quienes declararon que consideraban terminado el asunto.

El Presidente de la Comisión Española declaró que no podía considerarlo como terminado, desde que el Presidente de los Estados Unidos se había referido á él en su

message to Congress on Monday last.

The President of the American Commission stated that the American Commissioners had not received a copy of the message and therefore had not read it.

The President of the Spanish Commission replied that he had in his possession an extract from it, which he could produce.

The President of the American Commission answered that the American Commissioners did not care to continue the discussion of the subject on the present occasion.

The following article proposed by the Spanish Commissioners was read:

"PENSION TO THE DUKE OF VERAGUA.

"ARTICLE —.

"The United States will continue paying to the descendants of the Great Discoverer of America, Christopher Columbus, the portion still payable of the pension they have been collecting since the time of their illustrious predecessor, as a proof of the gratitude of modern civilization which Spain has been paying.

"This pension, since the Royal Order of November 11, 1829, has been reduced to the two sums following:

$3,400 (hard dollars) annually, chargeable to the treasury of Porto Rico and $4,000 (like dollars) to the treasury of Manila.

"The United States and the said descendants by mutual agreement may fix the principal represented by these pensions and liquidate the latter by delivering over the principal thus agreed on, if deemed mutually advisable."

The American Commissioners stated that they rejected this article.

The following article, proposed by the Spanish Commissioners, was read:

Mensage al Congreso el Lunes último.

El presidente de la Comisión Americana declaró que los Comisarios Americanos no habían recibido copia del Mensage, y por lo tanto no lo habían leído.

El Presidente de la Comisión Española contestó que tenía en su poder un extracto del mismo, que podía presentar.

El Presidente de la Comisión Americana replicó que los Comisarios Americanos no estaban dispuestos á continuar la discusión de este asunto en la ocasión presente.

Se leyó el siguiente artículo, propuesto por los Comisarios Españoles:

"CARGA DE JUSTICIA DEL DUQUE DE VERAGUA.

"ARTÍCULO —.

Los Estados Unidos continuarán satisfaciendo á los descendientes del Gran descubridor de América, Cristóbal Colón, la parte de pensión todavía subsistente que han venido cobrando, desde los tiempos de su ilustre progenitor, como una prueba de gratitud de la civilización moderna, que venía satisfaciendo España.

"Esta pensión viene reducida desde Real Orden de 11 de Noviembre de 1829, á las dos cantidades siguientes:

"$3,400 (pesos fuertes anuales, consignada sobre el Tesoro de Puerto Rico y 4,000 (idem) sobre el Tesoro de Manila.

"Los Estados Unidos y dichos descendientes de común acuerdo podrán capitalizar estas pensiones y extinguirlas por la entrega del capital que fijen, si así respectivamente lo tuvieran por conveniente."

Los Comisarios Americanos declaran que rechazan este artículo.

Se leyó el siguiente artículo, propuesto por los Comisarios Españoles:

"DEPOSITS AND BONDS.

"ARTICLE —.

"Moneys received by Government offices and establishments in the aforesaid territories from Spanish citizens in the way of deposits, consignments, loans and security of all kinds shall be returned to the lawful owners, whenever proper, either because of the expiration of the time for which they were made, or because of the fulfilment of the principal obligations by them guaranteed. This restitution shall be made by the Head of the Office where the sums of money were deposited, consigned, loaned, or given as security; and in default thereof by whoever is responsible for such sums under the law."

The American Commissioners stated that they rejected this article.

The following article, proposed by the Spanish Commissioners, was then read:

"CONSULS.

"ARTICLE —.

"Spain shall have the power to establish Consular officers in the ports and places of the territories, the sovereignty over which has been either relinquished or ceded by the present treaty."

This article the American Commissioners accepted.

The following article, proposed by the Spanish Commissioners, was then read:

"JURISDICTION OF COURTS.

"ARTICLE —.

The Spaniards residing in the said territories shall be subject in matters civil as well as criminal to the jurisdiction of the Courts of the country wherein they reside, pursuant to the ordinary laws gov-

"DEPÓSITOS Y FIANZAS.

"ARTÍCULO —.

Serán devueltos los depósitos, consignaciones, préstamos y fianzas de todas clases constituidas por ciudadanos españoles en los establecimientos y oficinas del Estado, existentes en los territorios sobredichos, á sus legítimos dueños cuando fuere procedente su devolución por haber vencido los plazos por que se hubiesen hecho ó por haberse ya cumplido las obligaciones principales á que sirvieron de garantía. Esta devolución se hará por el Jefe de la Oficina en que se hubieren entregado las cantidades depositadas, consignadas, prestadas ó dadas en fianza, ó en su defecto por quién de dicha devolución deba responder con arreglo á las leyes."

Los Comisarios Americanos declaran que rechazan este artículo.

Se leyó el siguiente artículo, propuesto por los Comisarios Españoles:

"AGENTES CONSULARES.

"ARTÍCULO —.

España podrá establecer Agentes consulares en los puertos y plazas de los territorios cuya renuncia y cesión es objeto de este tratado."

Los Comisarios Americanos aceptan este artículo.

Se leyó el siguiente artículo, propuesto por los Comisarios Españoles:

"JURISDICCIÓN CIVIL Y CRIMINAL.

"ARTÍCULO —.

Los españoles residentes en los mencionados territorios estarán sometidos en lo civil y en lo criminal á los Tribunales del país en que residan con arreglo á las leyes comunes que regulen su competen-

erning the same: and they shall have the right to appear before said Courts, and to pursue the same course as citizens of the country to which the Courts belong."

This article the American Commissioners accepted.

The following article, proposed by the Spanish Commissioners, was read:

"JURISDICTION OF COURTS.

"ARTICLE —.

Civil and criminal actions and suits against the Government that may be pending at the time of the exchange of the ratifications of this treaty, to which the citizens of the countries the sovereignty over which has been relinquished or ceded are a party and who pursuant to such treaty cease to be Spaniards shall be tried and determined subject to the following rules:

"First. Judgments rendered either in civil or criminal matters, before the date aforesaid, and with respect to which there is no recourse, under the Spanish law, shall be deemed to be final, and shall be executed in due form by competent authority in the territory within which such judgments should be carried out.

"Second. Personal actions and cases against the Government which may be pending before the Courts of the Peninsula or the islands adjacent thereto, wherein a citizen of the said territories who by this treaty ceases to be a Spaniard is the plaintiff, shall, if the defendant is a Spaniard, continue to be tried in due form before the said Courts to the rendition of the final judgment. Personal actions wherein the defendant is an inhabitant of the said territories which by this treaty cease to be Spanish, shall be tried by the competent Court of the domicile of the de-

cia, pudiendo comparecer ante los mismos en la misma forma y empleando los mismos procedimientos que deban observar los ciudadanos del país á que pertenezca el Tribunal."

Los Comisarios Americanos aceptan este artículo.

Se leyó el siguiente artículo, propuesto por los Comisarios Españoles:

"COMPETENCIA DE TRIBUNALES.

"ARTÍCULO —.

Los pleitos civiles y administrativos y las causas criminales pendientes al hacerse el canje de ratificaciones de este tratado, en que sean parte los ciudadanos residentes en los territorios renunciado y cedidos que con arreglo á aquel dejen de ser españoles concluirán de sustanciarse á tenor de las reglas siguientes:

"*Primera:* Las sentencias dictadas antes de la fecha mencionada así en lo civil como en lo criminal, y contra las cuales no haya recursos que interponer con arreglo á la ley española, tendrán el carácter de ejecutorias y deberán ser cumplidas por los trámites legales por la autoridad competente en el territorio en que proceda su cumplimiento.

"*Segunda.* Los pleitos civiles por acción personal, y los administrativos pendientes ante los Tribunales de la Península é Islas adyacentes, en que fuese demandante un ciudadano de dichos territorios, que por este tratado deje de ser español, continuarán sustanciándose por los Tribunales ante quienes penden, hasta que recaiga sentencia ejecutoria, si fuese español el demandado. Los también por acción personal en que sea demandado un habitante de los sobredichos territorios que por este tratado pierda la nacionalidad española, pasarán al conoci-

fendant. Actions *in rem* or mixed actions, when the immovable property in litigation is situate in the Peninsula or adjacent islands, shall be pursued to final judgment and until the same is executed before the Courts having cognizance thereof.

"Third. Criminal actions pending on said date before the Supreme Court of Spain against citizens of the territory relinquished and ceded, which ceases to be Spanish by this treaty, shall continue under its jurisdiction until final judgment; but this having been once rendered, the cases shall pass for execution to the jurisdiction of the competent Court at the place where the same should be carried out."

The American Commissioners proposed, in place of the foregoing article, the following:

"JURISDICTION OF COURTS.

"ARTICLE —.

Judicial proceedings pending at at the time of the exchange of ratifications of this treaty in the territories over which Spain relinquishes or cedes her sovereignty shall be determined according to the following rules:

"1. Judgments rendered either in civil suits between private individuals, or in criminal matters, before the date mentioned, and with respect to which there is no recourse or right of review under the Spanish law, shall be deemed to be final, and shall be executed in due form by competent authority in the territory within which such judgments should be carried out.

"2. Civil suits between private individuals which may on the date mentioned be undetermined shall be prosecuted to judgment before the Court in which they may then be pending, or in the Court that may be substituted therefor.

miento del Juez ó Tribunal del domicilio del demandado que fuese competente. Aquellos en que se ejercite una acción real ó mixta si el inmueble que fuese su objeto radicase en la Peninsula é Islas adyacentes, continuarán hasta que en ellos recaiga ejecutoria y esta sea cumplida ante los Tribunales que de ella estuvieran conociendo.

"*Tercera.* Las causas criminales pendientes en la sobredicha fecha ante el Tribunal Supremo de España, contra los ciudadanos de los territorios renunciado y cedidos, que dejen de ser españoles por este tratado, continuarán sometidas á su jurisdicción hasta que recaiga sentencia; pero una vez que esta fuese dictada, pasarán para su cumplimiento á la jurisdicción del Juez que sea competente en el lugar en que aquella deba ser cumplida."

Los Comisarios Americanos proponen que el anterior artículo se substituya por el siguiente:

"JURISDICCIÓN DE LOS TRIBUNALES.

"ARTÍCULO —.

Los procedimientos judiciales pendientes al canjearse las ratificaciones de este tratado, en los territorios sobre los cuales España renuncia ó cede su soberanía, se determinarán con arreglo á las reglas siguientes:

"1. Las sentencias dictadas en causas civiles entre particulares, ó en una materia criminal, antes de la fecha mencionada, y contra las cuales no haya apelación ó derecho de revisión, con arreglo á las leyes españolas, se considerarán como firmes, y serán ejecutadas en debida forma por la Autoridad competente en el territorio dentro del cual dichas sentencias deban cumplirse.

"2. Los pleitos civiles entre particulares que en le fecha mencionada no hayan sido juzgados, continuarán su tramitación ante el Tribunal en que se halle el proceso, ó ante aquel que lo sustituya.

"3. Criminal actions pending on the date mentioned before the Supreme Court of Spain against citizens of the territory which by this treaty ceases to be Spanish shall continue under its jurisdiction until final judgment; but, such judgment having been rendered, the execution thereof shall be committed to the competent authority of the place in which the case arose."

The following article, proposed by the Spanish Commissioners, was read:

"COPYRIGHTS AND PATENTS.

"ARTICLE —.

The rights of property secured by copyrights and patents acquired by Spaniards in the islands of Cuba, and Porto Rico, the Philippines, and all other territories ceded, at the time of the exchange of the ratifications of this treaty, shall continue to be respected. Spanish scientific, literary and artistic works, not subversive of public order in the said territories, shall continue to be admitted free of duty in the said territories, for twenty-five (25) years, to be reckoned from the date of the exchange of the ratifications of this treaty, and the proprietary rights of their authors shall be protected for a like period."

The American Commissioners proposed, as a substitute, the following article:

"COPYRIGHT AND PATENTS.

"ARTICLE —.

The rights of property secured by copyrights and patents acquired by Spaniards in the island of Cuba, and in Porto-Rico, the Philippines, and other ceded territories, at the time of the exchange of the ratifications of this treaty, shall continue to be respected. Spanish scientific, literary and ar-

"3. Las acciones en materia criminal pendientes en la fecha mencionada ante el Tribunal Supremo de España contra ciudadanos del territorio que según este tratado deja de ser español, continuarán bajo su jurisdicción hasta que recaiga la sentencia definitiva; pero una vez dictada esa sentencia, su ejecución será encomendada á la Autoridad competente del lugar en que la acción se suscitó."

Se leyó el siguiente artículo, propuesto por los Comisarios Españoles:

"PROPIEDAD LITERARIA É INDUSTRIAL.

"ARTÍCULO —

Continuarán respetándose los derechos de propiedad literaria, artística é industrial adquiriridos por Españoles en las Islas de Cuba, Puerto Rico, Filipinas y demás territorios cedidos, al hacerse el canje de ratificaciones de este tratado. Las obras españolas científicas, literarias y artísticas, que no sean peligrosas para el orden público en dichos territorios, continuarán entrando en los mismos con franquicia de todo derecho de Aduana durante veinte y cinco (25) años, á contar desde el canje de ratificaciones de este tratado, y durante el mismo término será protegida la propiedad de sus autores."

Los Comisarios Americanos propusieron que se sustituyese este artículo por el siguiente:

"PROPIEDAD LITERARIA É INDUSTRIAL.

"ARTÍCULO —.

Los derechos de propiedad literaria é industrial reconocidos á los Españoles por medio de registros y patentes en las Islas de Cuba, Puerto Rico, Filipinas y otros territorios cedidos, al canjearse las ratificaciones de este tratado, continuarán siendo respetados. Las obras españolas científicas, literarias y

tistic works, not subversive of public order in the territories in question shall continue to be admitted free of duty into such territories, for the period of ten years, to be reckoned from the date of the exchange of the ratifications of this treaty."

The reading of the articles proposed by the Spanish Commissioners having been completed, the President of the American Commission stated that it was his understanding that the articles proposed by the American Commissioners would be accepted or rejected by the Spanish Commissioners at the next meeting.

The President of the Spanish Commission replied that the Spanish Commissioners would pursue the same course with respect to the American articles as the American Commissioners had pursued with reference to the Spanish articles.

On motion of the American Commissioners the conference was adjourned till to-morrow, Wednesday, the 7th of December, without prejudice to the right of the Spanish Commissioners to request a postponement.

WILLIAM R. DAY
CUSHMAN K. DAVIS
WM P FRYE
GEO. GRAY
WHITELAW REID.
JOHN B. MOORE.

artísticas, que no sean subversivas contra el orden público en los territorios referidos, continuarán siendo admitidas libres de derechos en los mismos, durante diez años á contar desde el canje de las ratificaciones de este tratado."

Habiéndose terminado la lectura de los artículos propuestos por los Comisarios Españoles, el Presidente de la Comisión Americana declaró que entendía que los artículos propuestos por los Comisarios Americanos serian aceptados ó rechazados por los Comisarios Españoles en la sesión próxima.

El Presidente de la Comisión Española contestó que los Comisarios Españoles seguirán respecto á los artículos Americanos el mismo procedimiento que los Comisarios Americanos habían seguido con referencia á los artículos españoles.

A propuesta de los Comisarios Americanos, se levantó la sesión, acordando reunirse mañana, Miércoles 7 de Diciembre, sin perjuicio del derecho de los Comisarios Españoles para pedir un aplazamiento.

EUGENIO MONTERO RÍOS
B. DE ABARZUZA
J. DE GARNICA
W R DE VILLA URRUTIA
RAFAEL CERERO
EMILIO DE OJEDA

PROTOCOL NO. 21

Conference of December 8, 1898.

The session which was to have been held on yesterday having been postponed at the request of the Spanish Commissioners, the Joint Commission met today at two o'clock, p. m., there being

PROTOCOLO NO. 21.

Conferencia del 8 de diciembre de 1898.

Aplazada, á propuesta de los Comisarios Españoles, la sesión que debió haber tenido lugar el día de ayer, se reunieron el día de hoy a las dos de la tarde, hallandose

Present on the part of the United States: Messrs: Day, Davis, Frye, Gray, Reid, Moore, Fergusson.

On the part of Spain: Messrs: Montero Rios, Abarzuza, Garnica, Villa-Urrutia, Cerero.

Mr. Ojeda was unable to be present, owing to illness, and Mr. Villa-Urrutia performed his duties as Secretary.

The protocol of the preceding session was read and approved.

The Spanish Commissioners proposed that the American Commissioners modify the clause presented by them and mentioned in the protocol of the last session relating to the limiting of the obligations of the United States in Cuba to the time of its occupation thereof.

The American Commissioners took this proposition under consideration and submitted to the Conference a new wording of the clause which was approved and which is as follows:

"It is understood that any obligations assumed in this treaty by the United States with respect to Cuba are limited to the time of their occupancy thereof; but they will, upon the termination of such occupancy, advise any Government established in the island to assume the same obligations."

The Spanish Commissioners observed that although the American Commissioners had rejected at the last session the article presented by the Spanish Commissioners relating to the "Maine," they considered it their duty to insist upon this question being submitted to arbitration.

The American Commissioners answered, referring to the observations made by them on this subject at the last session.

The Spanish Commissioners replied that since this new proposal for arbitration was also rejected, they would ask the American Commissioners to be pleased to propose some method of clearing up the matter of the "Maine," and the re-

Presentes por parte de los Estados Unidos de América, los Señores Day, Davis, Frye, Gray, Reid, Moore Fergusson.

Por parte de España los Señores Montero Ríos, Abarzuza, Garnica, Villa-Urrutia Cerero

Por hallarse enfermo no pudo asistir el Sr Ojeda, é hizo sus veces como Secretario el Sr Villa-Urrutia.

Fué leída y aprobada el acta de la sesión anterior.

Los Comisarios Españoles proponen que los de los Estados Unidos modifiquen la cláusula por ellos presentada y que se menciona en el acta de la sesión última, relativa a la limitación de las obligaciones de los Estados Unidos en Cuba al tiempo que dure su ocupacion.

Los Comisarios Americanos toman en consideración esta proposición y someten a la conferencia una redacción de dicha cláusula que es aceptado y dice así:

"Queda entendido que qalquier obligación aceptada en este Tratado por los Estados Unidos con respecto á Cuba está limitada al tiempo que dure su ocupación en esta Isla, pero al terminar dicha ocupación, aconsejaran al Gobierno que se establezca en la Isla, que acepte las mismas obligaciones."

Los Comisarios Españoles manifestan que aunque la Comisión Americana había rechazado en la sesión última el artículo presentado por la Comisión Española sobre el "Maine", consideraban sin embargo su deber insistir en que esta cuestion se sometiese a un arbitrage.

Los Comisarios Americanos contestaron que se referian á las manifestaciones que hicieron en la sesión anterior.

Los Comisarios Españoles replican que puesto que esta nueva proposición de arbitrage era también rechazada, se sirvieran los Señores Comisarios Americanos proponer cualquier medio de exclarecer este asunto del "Maine"

sponsibility growing out of it, so that the unjust prejudice against Spain shown in the United States by reason of an incomplete investigation might disappear, and the resentment of Spain, because the uprightness of her authorities or subjects, and the capacity of her administration to guarantee the safety in her ports of vessels of a nation with which she was at peace, had been placed in doubt, might also be blotted out.

The American Commissioners replied that they had no method to propose.

The President of the Spanish Commission, pursuant to the rules, presented a memorandum, which is hereto annexed, in support of the propositions rejected by the American Commissioners at the last session.

The American Interpreter proceeded to translate the Memorandum and to read it in English.

The President of the American Commission reserved the right to reply in writing to the memorandum at the next session.

After explanations interchanged by the Presidents of the two Commissions, such articles presented by the Spanish Commissioners as were accepted or modified by the American Commissioners were approved.

The reading of the articles presented by the American Commission was then entered upon.

The articles were read, one by one, in the order in which they stood.

The first was as follows:

"ARTICLE

"Spain hereby cedes to the United States the island variously known as Kusaie, Ualan, or Strong Island, in the Carolines; and also concedes to the United States the right to land telegraph cables in

y las responsabilidades consiguientes, demanera que pudiesen desaparecer las injustas prevenciones que se habían manifestado en los Estados Unidos contra España por causa de una información incompleta, y se borrase también el resentimiento de España por haberse puesto en duda la lealtad de sus Autoridades ó de sus nacionales y la capacidad de su administracion para garantizar por su parte la seguridad en sus puertos á los barcos de una Nación con quien estaba en paz.

Los Comisarios Americanos contestaron que no tenían ningún medio que proponer.

El Presidente de la Comisión Española, con arreglo al reglamento, presentó un Memorandum, que va anejxo al Acta, en apoyo de las proposiciones rechazadas por la Comisión Americana en la sesión última.

El Interprete Americano procedio à la lectura en inglés de dicho Memorandum.

El Presidente de la Comisión Americana se reserva el derecho de contestar por escrito á dicho Memorandum en la sesión próxima.

Después de las explicaciones que mediaron entre los Presidentes de Ambas Comisiones quedo entendido que se aprobaban los artículos presentados por la Comisión Española, tales como habian sido aceptados ó modificados por la Comisión Americana.

Procediose entonces á la lectura de los artículos presentados por la Comisión Americana.

Los artículos fueron leídos uno por uno, en el orden en que fueron presentados.

El 1º fué el siguiente:

"ARTÍCULO.

"España cede por el presente á los Estados Unidos la Isla diversamente llamada Kusaie, Ualan ó Strong Island en las Carolinas; y además concede à los Estados Unidos el derecho de amarrar cables

the Canary Islands, or on any territory owned by Spain on the coast of Africa, or in the Peninsula.

"In consideration of what is set forth in this article, the United States will pay to Spain the sum of one million dollars, ($1,000,000) within three months from the exchange of the ratifications of the present treaty."

The President of the Spanish Commission declared that even in the event of an agreement being reached upon this article, it would have to figure elsewhere than in the treaty, as it was foreign thereto; but that he was compelled to reject it, because the Spanish Government at this time neither entertained the idea of disposing of one of the Caroline Islands, nor could it do so for want of Constitutional authority, previous authorization of the Cortes being necessary in the premises. Neither could what related to cable landings be accepted, because if stipulated in a treaty it might imply an easement on the national territory which the Spanish Government was not empowered to create, and because any American Company might request through the executive channel as other alien companies have done, such a concession, which was foreign to an international treaty.

The following article was then read:

"ARTICLE

"In conformity with the understanding established by an exchange of notes in the year 1886, Spain agrees that American missions and missionaries shall be allowed to resume and hereafter freely to carry on their work in the Caroline Islands that remain under Spanish sovereignty.

The President of the Spanish Commission observed that it was not known that any claim was pending in the premises, and that as the Constitution of the State

telegráficos en las Islas Canarias ó en cualquier territorio español de la costa de Africa ó en la Península.

"En consideración de lo establecido en este artículo, los Estados Unidos pagarán á España la suma de un millon de dollars ($1,000,000) dentro de los tres meses del canje de ratificaciones del presente tratado."

El Presidente de la Comisión Española declaro que aún en caso de que hubiera habido acuerdo sobre este artículo tendría que figurar aparte del tratado, por ser ageno al mismo; pero que se veía obligado á rechazarlo, por que si entraba en el ánimo del Gobierno Español, en este momento, el anagenar una de las Islas Carolinas, ni podía tampoco hacerlo por carecer de facultades constitucionales, necesitando para ello estar previamente autorisado por las Cortes. Tampoco podía aceptarse lo relativo al amarre de cables, por que estipulado en un tratado podría significar una servidumbre sobre territorio nacional, que el Gobierno Español no estaba autorizado á constituir, y porque cualquiera Compañía Americana podría solicitar por la vía administrativa y como lo han hecho otras Compañías Extrangeras, una concesión agena á un tratado internacional.

Se leyó luego el articulo siguiente:

"ARTÍCULO

"De conformidad con el acuerdo establecido por un canje de notas, en el año 1885, España conviene en que las misiones Americanas y los Misioneros podrán reanudar y después llevar libremente á efecto sus trabajos en las Islas Carolinas que quedan bajo la Soberanía de España."

El Presidente de la Comisión Española manifiesta que no consta esté pendiente ninguna reclamación sobre el particular, y que como la constitución del Estado

laid down the rights of private individuals in religious matters, there was nothing in this regard to insert in the treaty.

The following article was then read:

"ARTICLE

"The United States and Spain will reciprocally accord to the ships of each other, in their respective ports, most favored nation treatment, in respect of all port charges, including entrance and clearance dues, light dues and tonnage duties.

"It is further agreed that the two Governments will enter into negotiations with a view to the conclusion of a commercial convention."

In place of the first paragraph, the American Commissioners now propose the following:

"Spain will in her ports accord to vessels of the United States the same treatment in respect of all port charges, including entrance and clearance dues, light dues, and tonnage duties, as is accorded to Spanish vessels in the ports of the United States."

The President of the Spanish Commission objected to the second paragraph of the article as unnecessary; and suggested that the first paragraph be amended so that it should be reciprocal in its provisions and be limited as to its duration.

After discussion, the following article was drawn up:

"The Government of each country will, for the term of ten years, accord to the merchant vessels of the other country the same treatment in respect of all port charges, including entrance dues, light dues and tonnage duties, as it accords to its own merchant vessels not engaged in the coastwise trade. This article may at any time be terminated on six months' notice given by either Government to the other."

marca los derechos de los particulares en materias religiosas, nada hay que insertar á este respecto en el tratado.

Se leyó luego el artículo siguiente:

ARTÍCULO.

"Los Estados Unidos y España concederan reciprocamente á los buques de cada uno de ellos, en sus respectivos puertos, el trato de la nación más favorecida respecto á todos los derechos de puerto, incluyendo los de entrada y salida, faros y tonelage.

"Se conviene además en que los dos Gobiernos empecarán las negociaciones para concluir un convenio comercial."

En lugar del primer párrafo proponen ahora los Comisarios Americanos el siguiente:

"España concederá en sus puertos, á los buques de los Estados Unidos, el mismo trato con respecto á todos los derechos de puerto, incluyendo derechos de entrada y salida, de faro y tonelage, que se concede á los buques españoles en los puertos de los Estados Unidos."

El Presidente de la Comisión Española manifestó que el segundo párrafo del artículo era innecesario, y pidió que se modificase el primer párrafo de manera que fuése reciproca la estipulación y limitado el tiempo de su duración.

Después de discutido se aprobó el artículo en la forma siguiente:

"El Gobierno de cada país concederá por el término de diez años, á los buques mercantes del otro el mismo trato en cuanto á todos los derechos de puerto, incluyendo los de entrado y salida, de faro y tonelage, que concede á sus propios buques mercantes no empleados en el comercio de cabotage. Este artículo puede ser denunciado en cualquier tiempo dando noticia previa de ello cualquiera de los dos Gobiernos al otro con seis meses de anticipación."

The following article was then read:

"ARTICLE

"The following treaty stipulations heretofore entered into by the United States and Spain shall be held to continue in force:

"Treaty of October 27, 1795, so far as it is confirmed by Article XII of the Treaty of February 22, 1819;

"Treaty of February 22, 1819, so far as its provisions have not been executed or become obsolete;

"Convention of February 17, 1834, for the settlement of claims;

"Agreement of February 11–12, 1871, for the settlement of claims, Article VII;

"Convention of January 5, 1877, and the supplementary convention of August 7, 1882, for the extradition of criminals;

"Protocol of January 7, 1877, concerning Judicial procedure;

"Convention of June 19, 1882, concerning trade-marks; and the agreement between the two countries in relation to international copyright.

The President of the Spanish Commission stated that the Spanish Commissioners were unable to accept this article. Some of the treaties to which it referred were obsolete or related to conditions which no longer existed, and it would involve a more extended examination than the Joint Commission was in a position to give. But this did not imply that the two Governments might not take up the subject themselves.

The American Commissioners inquired whether the objection of the President of the Spanish Commission applied to the extradition treaties.

Se leyó luego el artículo siguiente:

ARTÍCULO.

"Los siguientes tratados, antes celebrados entre los Estados Unidos y España, continuarán en vigor:

"Tratado de 27 Octubre de 1795, en su parte confirmada por el artículo XII del Tratado de 22 de Febrero de 1819.

"Tratado de 22 de Febrero de 1819, en sus disposiciones que no han sido ejecutadas ó que no han caido en desuso.

"Convenio de 17 de Febrero de 1834 para el arreglo de reclamaciones.

"Acuerdo de 11–12 de Febrero de 1871, para el arreglo de reclamaciones (Artículo VII)

"Convenio de 5 de Enero de 1877, y convenio supletorio de 7 de Agosto de 1882, para la extradición de criminales.

"Protocolo de 7 de Enero de 1877, sobre procedimientos judiciales.

"Convenio de 19 de Junio de 1882, respectos á las marcas de fábrica: y el acuerdo entre los dos paises, con relación á la propiedad literaria internacional."

Manifestó el Presidente de la Comisión Española que no podía aceptar dicho artículo, por que algunos de los Tratados á que el mismo se referia estaban yá en desuso ó se referían á condiciones que ya no existían, por lo cual erá preciso hacer un estudio de cada uno de ellos más detenido que el que podía hacer esta Comisión. Pero que esto no significaba que ambos Gobiernos no pudieran entenderse directamente sobre este asunto.

Los Comisarios Americanos preguntaron si las observaciones del Presidente de la Comision Española se aplicaban á los tratados de extradición.

The President of the Spanish Commission replied that it did, as those treaties needed revision.

The American Commissioners urged the revival of the extradition treaties, the convention concerning trade-marks, and the agreement in relation to international copyright; and proposed that, in view of the immediate importance of the subjects to which they related, they should, if the Spanish Commissioners were not prepared to revive them fully, be revided temporarily as a *modus vivendi*, for a period of a year or even for six months, so as to enable the two Governments to consider the question of their renewal.

The President of the Spanish Commission adhered to the views which he had expressed, and the article was rejected.

The following article was then read:

"ARTICLE

"The present treaty shall be ratified by the President of the United States, by and with the advice and consent of the Senate thereof, and by Her Majesty the Queen Regent of Spain; and the ratifications shall be exchanged at Washington within six months from the date hereof, or earlier if possible.

"In faith whereof, we, the respective Plenipotentiaries, have signed this treaty, and have hereunto affixed our seals.

"Done in duplicate at Paris, the —— day of ——in the year of Our Lord, one thousand eight hundred and ninety eight."

This article was accepted.

The conference was then adjourned, with the understanding that the Joint Commission should reassemble for the purpose of signing the treaty, whenever it should be ready for signature; and that,

El Presidente de la Comisión Española respondió que si, por que estos tratados necesitaban ser corregidos.

Los Comisarios Americanos pidieron la renovación de los tratados de extradicion, marcas de fábrica y propiedad literaria y propusieron que en vista de la importancia inmediata de los asuntos a que se referian fuesen renovado temporalmente como un *modus vivendi*, por un plazo de un año ó de seis meses, si los Comisarios Españoles veian inconveniente en su renovación absoluta, á fin de permitir á ambos Gobiernos el estudiar la cuestión de su renovación.

El Presidente de la Comisión Española mantuvo su anterior opinión, y el artículo fué rechazado.

Se leyó luego el articulo siguiente:

"ARTÍCULO

"El presente Tratado será ratificado per Su Majestad la Reina Regente de España y por el Presidente de los Estados Unidos, de acuerdo y con la aprobación del Senado; y las ratificaciones se cangearán en Washington dentro del plazo de seis meses desde esta fecha, ó antes si posible fuese.

"En fé de lo cual, los respectivos Plenipotenciarios firman y sellan este Tratado.

Hecho por duplicado en Paris á diez de Diciembre del año mil ochocientos noventa y ocho.

Se aprobó este articulo.

Se levantó la sesión en la inteligencia de que la Comisión en pleno se reuniriá con objeto de firmar el tratado, cuando estuviese en disposición de ser firmado, y que entre tanto ambas Comisiones podrían comunicarse cualquier Memoran-

in the mean time, each Commission might communicate to the other any memoranda which it should desire to file under the rules.

WILLIAM R. DAY
CUSHMAN K. DAVIS
WM P FRYE
GEO. GRAY
WHITELAW REID.
JOHN B. MOORE.

dum que con arreglo al reglamento deseasen presentar.

EUGENIO MONTERO RÍOS
B. DE ABARZUZA
J. DE GARNICA
W. R. DE VILLA-URRUTIA
RAFAEL CERERO
EMILIO DE OJEDA

ANNEX TO PROTOCOL NO. 21.

Memorandum.

La Comisión Española propuso á la Americana el proyecto de varios Articulos, para el tratado de paz, que esta rechaza.

Se niega á reconocer á los habitantes de los paises cedidos y renunciados por España, el derecho de optar por la ciudadanía que hasta ahora gozaron. Y sin embargo, este derecho de opción, que es uno de los mas sagrados de la personalidad humana, ha sido constantemente respectado desde que se emancipó el hombre de la servidumbre de la tierra, rindiéndose á este sagrado derecho tributo en los Tratados que sobre cesión territorial se celebraron en el mundo moderno.

Se niegan á estipular el respecto que merecen los contratos celebrados por un Soberano legítimo para obras y servicios públicos, contratos que afectan sustancialmente á la propiedad privada de particulares y que fueron respetados en el Tratado de Campo Formio de 1797, en el de Paris de 1814, en el de Zurich de 1859, en el de Paris de 1860, en los de Viena de 1864 y 1866, y que respetó tambien Alemania al terminar su guerra con la Francia por el tratado de Frankfort de 1871.

La Comisión Americana alega como única razon para no estipular este respecto el que los Estados Unidos, en sus tratados, nunca lo han reconocido. Como si los Estados Unidos fueran la única Potencia poseedora del criterio de justicia que debe inspirar las convenciones y los actos de las Naciones.

Se niegan á que sean devueltos á sus legítimos y particulares dueños, por quienes, sean funcionarios españoles ó americanos, esten obligados segun justicia á esta devolución, las cantidades que hubiesen entregado en las Cajas públicas en los territorios que dejan de pertenecer á España en concepto de consignaciones depósitos ó fianzas de contratos ú obligaciones, despues que estos hayan sido cumplidos y la fianza, por lo tanto, deba ser cancelada. Y sin embargo á esta devolución se rindió homenage por Bélgica, los Paises Bajos, Austria, Francia, Cerdeña Dinamarca, Prusia, Italia y Alemania en los Tratados que entre si celebraron en 1839, 1859, 1864, 1866 y 1871.

Se niegan á reconocer el carácter permanente de las obligaciones que por este Tratado contraen los Estados Unidos respecto á cosas y personas en Cuba, limitando su duración al tiempo de la ocupación militar de la Grande Antilla por las tropas americanas, sin tener presente que las obligaciones correlativas que España contrae exige la Comisión Americana que sean permanentes y que por consiguiente queda de esa manera violada la justicia al violarse el principio de reciprocidad que

informa siempre los derechos y las obligaciones de las partes contratantes.

La Comisión Americana se presta en la sesión de hoy (D^bre 87) á aconsejar los EE. UU. la observancia de este Tratado al Gobierno independiente de Cuba quando llegue á constituirse. La C. E. vista esta manifestación, atempera cuanto acaba de decir sobre este punto hasta que quede en harmonía con las manifestaciones en esta sesión de la Comisión Americana.

Nada tiene que decir la Comisión Española sobre la negativa de la Americana á tomar á cargo de los Estados Unidos la pensión de gratitud que España viene pagando á los descendientes del inmortal descubridor de América. España se reserva este asunto para resolverlo como entienda más conforme á la justicia sin olvidar la causa de la civilisacion moderna de la misma América.

España ha podido sacrificar y sacrifica sus interéses todos coloniales en el altar de la paz y para evitar la renovación de una guerra que es evidente que no puede sostener con una nación incomparablemente mas poderosa y de mayores recursos. Ha sostenido sus derechos en estas Conferencias con toda la energía que correspondía á la rectitud de su conciencia. Cuando á su Comisión le fué impuesta como ultimatum la proposición con que concluye el Memorandum Americano presentado en la sesión de 21 de Noviembre último, sin abandonar su derecho y solo por via de transacción, inspirándose en su amor á la paz, hizo proposiciones en que sus intereses eran sacrificados; los Estados Unidos las rechazaron todas.

Sobre las dos importantes cuestiones de derecho dependientes de la interpretación que se diera al Protocolo de Washington, propuso á la Comisión Americana el arbitrage. Fué tambien rechazado.

Al ultimatum que acaba de citarse de 21 de Noviembre sucede el que en la ultima sesión va envuelto en los Articulos que propone la Comisión Americana. La Española que cumpliendo las instrucciones de su Gobierno se sometió al 1°, se someterá también á este.

Se conforma, pues, con que los Estados Unidos incluyan en el Tratado los Articulos á que este Memorandum se refiere.

Pero la Comisión Americana rechaza tambien otro que es para España, si cabe, de mayor importancia que los demás Articulos que la Española había propuesto; porque á diferencia de éstos, aquel afecta á su propia dignidad. La catastrofe del "Maine," di ocasión en los Estados Unidos á que una parte muy caracterizada y señalada de su prensa, cubriese de ultrages el honor inmaculable del pueblo español.

Parecía que el tiempo iba haciendo su obra de templanza de las pasiones y de olvido de los agravios, cuando la Comisión Americana, en su citado Memorandum de 21 de Noviembre último, renovó tan lamentable incidente acusando de descuido é incapacidad á España para garantir en sus puertos la seguridad de los buques de una Nación amiga. El derecho mas sagrado que á España no podía dejar de reconocérsele por que se le reconoce al más desgraciado de los seres humanos en la tierra, era el de defenderse de una imputación, que en tan tristes condiciones la dejaba ante las demás Naciones. Por esto presentó su Comisión el 1° de este mes los Articulos proponiendo el nombramiento de una técnica internacional, nombrada con todas las garantías imaginables para asegurar su imparcialidad, á fin de que procediese á investigar las causas de la catastrofe y si en ella cabía, siquiera fuera por negligencia, alguna responsabilidad á España.

Cuando esta proposición estaba sometida á la Comisión Americana, el Señor Presidente de los Estados Unidos en su Mensage de 5 del mismo mes dirigido á las Cámaras Americanas volvió á ocuparse de un asunto que

no podía menos de remover las pasiones de los dos pueblos entre quienes sus Comisiona dos estaban elaborando el restablecimiento de la paz. Calificó la catástrofe de *sospechosa*, afirmó que su causa había sido externa y añadió que solamente *por falta de una prueba positiva* la Comisión Americana, que había informado sobre ella, había dejado de *consignar á quien correspondía la responsabilidad de dicha acción.*

¿Como era posible imaginar que al siguiente dia de pronunciadas estas frases en Washington la Comisión Americana en Paris había de negar á España aquel sagrado derecho de defensa cuyo respeto redamaba?

No puede, pues, la Comisión Española resignarse á tal negativa y consigna solemnemente su protesta contra ella, haciendo constar que en lo futuro no será lícito jamas á los que se oponen á que se depuren las causas de aquella horrible catástrofe, imputar abierta ó embozadamente responsabilidades de ningun género por ella á la noble Nación Española y á sus Autoridades.

[Translation.]

Annex to Protocol No. 21.

Memorandum.

The Spanish Commission proposed to the American Commission the draft of several articles for the treaty of peace, which the latter has rejected.

The American Commission refuses to acknowledge the right of the inhabitants of the countries ceded or relinquished by Spain to choose the citizenship with which up to the present they have been clothed. And nevertheless this right of choosing, which is one of the most sacred rights of human beings, has been constantly respected since the day in which man was emancipated from serfdom. This sacred right has been respected in treaties of territorial cession concluded in modern times.

It refuses also to stipulate anything in relation to the respect due the contracts entered into by a legitimate sovereign for public works and services,—contracts which materially affect the rights of property of private individuals, which were respected in the treaties of Campo Formio of 1797, of Paris of 1814, of Zurich of 1859, of Paris of 1860, of Vienna of 1864 and 1866, and which Germany respected also when ending the war with France by the treaty of Frankfort of 1871. The American Commission alleged as its only reason for this refusal that the United States in its treaties has never recognized these contracts as though the United States were the only power controlling the standard of justice which must govern the conventions and the acts of nations.

It refuses to provide for the restitution to their lawful and private owners by whoever, be he a Spanish or an American official, is bound rightfully to do it, of the sums of money they may have paid into the public treasuries of the territory which ceases to belong to Spain, in the way of consignments, deposits, or security for contracts or obligations, after they have been executed or performed, and which security should be returned. And nevertheless homage was paid to such return by Belgium, Netherlands, Austria, France, Sardinia, Denmark, Prussia, Italy and Germany in the treaties concluded between them in 1839, 1859, 1864, 1866 and 1871.

The American Commission refuses to recognize the permanent character of the obligations contracted by the United States in this treaty with respect to persons and things in Cuba, limiting the duration thereof to the time of the military occupation of the Greater Antille by the American troops, without bearing in mind that the American Commission demands that the corresponding obligations contracted by Spain shall be permanent, and that justice is thus violated in attacking the principle of reciprocity which always governs the rights and obligations of contracting parties.

In today's session (December 8), the American Commission consents to the United States advising the independent government of Cuba whenever it shall be constituted, to observe this treaty. In view of this statement, the Spanish Commission moderates what it has just said upon this point in so far as it is necessary to make it harmonize with the statements of the American Commission made in this session.

The Spanish Commission has nothing to say to the refusal of the American Commission to assume for the United States the pension of gratitude which Spain has been paying to the descendants of the immortal discoverer of America. Spain reserves this matter to settle it as she understands shall best befit justice, without forgetting the cause of modern civilization and America itself.

Spain has been able to sacrifice, and does sacrifice, all her colonial interests upon the altar of peace, and in order to prevent the renewal of a war which it is evident she cannot sustain with a nation incomparably more powerful and with greater resources.

She has upheld her rights in these conferences with all the energy the rectitude of her conscience demanded. When there was imposed upon her Commission as an ultimatum the proposition which closes the American memorandum presented at the session of November 21 last, without waving its rights, and solely by way of compromise, inspired by its love for peace, it made propositions wherein her interests were sacrificed. The United States rejected them all.

Upon the two important questions of law, depending upon the interpretation to be given the Protocol of Washington, it proposed arbitration to the American Commission. This proposition was also rejected.

The ultimatum of November 21, which has just been cited, is succeeded by that which at the last session is involved in the articles the American Commission proposes. The Spanish Commission which, complying with the instructions of its Government, submitted to the first, will also bow to this.

It assents, then, to the United States including in the treaty the articles to which this memorandum refers.

But the American Commission also rejects another article which is to Spain, if possible, of greater importance than the other articles the Spanish Commission had proposed; because, differing from these, the former affects her own dignity. The *Maine* disaster gave occasion for a very respectable and prominent part of the press in the United States to cover with insults the unstainable honor of the Spanish people. It seems that time was doing its work of tempering passions and casting into oblivion the wrongs, when the American Commission, in its said memorandum of November 21, again brought up so lamentable an incident, accusing Spain of negligence and incapacity to guarantee security to vessels of a friendly nation in her ports. The most sacred right, which could not fail to be recognized as attaching to Spain, as it is vouchsafed to the most wretched of human beings, was that of defending herself from an imputation which left her in so sorry a plight before

the other nations. For this reason her Commission, on the first of this month, presented the articles proposing the appointment of an International Expert Commission, to be named with all imaginable guarantees to assure its impartiality, in order that it might proceed to investigate the cause of the disaster, and whether any responsibility were attachable to Spain, even were it through negligence.

When this proposition was under submission to the American Commission, the President of the United States, in his message to the American Congress of the 5th of the said month, again took up a subject which could not but rekindle the passions of the two peoples whose Commissioners were working over the restoration of peace. He characterized the disaster as *suspicious;* he affirmed that its cause was external; and added that only *for want of positive proof* the American Board of Inquiry which had reported thereon had failed *to fix the responsibility for the act on any one.*

How could it be imagined that on the day following that upon which these words were pronounced in Washington, the American Commissioners in Paris could refuse to Spain that sacred right of defense, the respecting of which she demanded?

The Spanish Commission, therefore, cannot yield to such a refusal, and solemnly records its protest against it, setting forth that in the future it shall never be lawful for those who oppose the investigating of the cause of that horrible disaster, to impute, openly or covertly, responsibility of any kind therefor to the noble Spanish nation, or its authorities.

True copy:

EMILIO DE OJEDA.

PROTOCOL No. 22.

Conference of December 10, 1898.

Present: on the part of the United States: Messrs: Day, Davis, Frye, Gray, Reid, Moore, Fergusson.

On the part of Spain: Messrs: Montero Ríos, Abarzuza, Garnica, Villa-Urrutia, Cerero, Ojeda.

The protocol of the preceding session was read and approved.

The American Commissioners presented a written reply to the memorandum of the Spanish Commissioners read at the last session. The reply is hereto annexed (Annex No. 1.).

The Treaty of Peace (Annex No. 2.) was read and approved and was signed by Plenipotentiaries of the two High Contracting Parties.

The President of the Spanish Commission expressed his thanks

PROTOCOLO No. 22.

Conferencia del 10 de Diciembre de 1898.

Presentes: Por parte de los Estados Unidos de América: los Señores: Day, Davis, Frye, Gray, Reid, Moore, Fergusson.

Por parte de España: los Señores: Montero Rios, Abarzuza, Garnica, Villa-Urrutia, Cerero, Ojeda.

Fué leida y aprobada el acta de la sesión anterior.

Los Comisarios Americanos presentaron su contestación escrita al Memorandum de los Comisarios Españoles leído en la sesión última, que va anexo al protocolo (anexo No. 1).

Se leyó y aprobó el Tratado de Paz (Anexo No. 2) y se procedió á su firma por los Plenipotenciarios de las dos Altas Partes Contratantes.

El Señor Presidente de la Comisión Española manifiesta su agra-

to the American Commissioners for the kind phrases with which their last memorandum concluded. He had much pleasure in acknowledging also the courtesy and consideration which had been shown by them in their personal intercourse during the continuance of the negotiations, which, however painful to the Spanish Commissioners, would leave with them the personal remembrance of the attentions which had been bestowed upon them by the worthy members of the American Commission.

The President of the American Commission replied that the words to which the President of the Spanish Commission referred were but the spontaneous expression of the true feelings of the American Commissioners toward the Spanish Commissioners, for whom they entertained sentiments of the highest esteem and regard.

The protocol of this session was read and approved, and the Joint Commission ended its labors.

WILLIAM R. DAY
CUSHMAN K. DAVIS
Wm P FRYE
GEO. GRAY
WHITELAW REID
JOHN B. MOORE.

decimiento á los Comisarios Americanos por las atentas frases con que terminaron su último Memorandum y se complace en reconocer asimismo la cortesía y la prudencia que en sus relaciones personales han demostrado durante el curso de una negociación que aunque dolorosa para los Comisarios Españoles dejará en ellos el recuerdo personal de las atenciones que han merecido á los dignos miembros de la Comisión Americana.

El Presidente de la Comisión Americana contestó que las palabras á que aludió el Presidente de la Comisión Española eran la expontánea expresión de los verdaderos sentimientos de los Comisarios Americanos hacia los Comisarios Españoles, por quienes tenían la mayor estimación y aprecio.

Se leyó y aprobó el Protocolo de esta sesión, acabando sus trabajos la Comisión en pleno.

EUGENIO MONTERO RÍOS
B. DE ABARZUZA
J. DE GARNICA
W R DE VILLA URRUTIA
RAFAEL CERERO
EMILIO DE OJEDA

ANNEX 1 TO PROTOCOL NO. 22.

MEMORANDUM OF THE AMERICAN COMMISSIONERS IN REPLY TO THAT OF THE SPANISH COMMISSIONERS SUBMITTED AT THE MEETING OF DECEMBER 8, 1898.

In the memorandum submitted at the last meeting by the Spanish Commissioners, the statement is broadly made, "The American Commission refuses to acknowledge the right of the inhabitants of the countries ceded or relinquished by Spain to choose the citizenship with which up to the present time they have been clothed."

The American Commissioners do not so understand the article upon the subject of citizenship submitted by them as a substitute for the article proposed by the Spanish Commissioners. An analysis of this article will show that Spanish subjects, natives of Spain, are allowed a year's time in which, by the simple process of stating in a court of record their intention so to do, they may preserve their allegiance to Spain.

Such persons have the fullest right to dispose of their property and

remove from the territory, or remaining to continue to be Spanish subjects or elect the nationality of the new territory.

As to natives, their status and civil rights are left to Congress, which will enact laws to govern the ceded territory. This is no more than the assertion of the right of the governing power to control these important relations to the new government. The Congress of a country which never has enacted laws to oppress or abridge the rights of residents within its domain, and whose laws permit the largest liberty consistent with the preservation of order and the protection of property may safely be trusted not to depart from its well settled practice in dealing with the inhabitants of these islands.

It is true that the Spanish Commissioners proposed an article upon the subject of nationality supplementing the one offered by them as to nationality of Spanish subjects, which provides that all inhabitants of the ceded territory other than Spanish subjects shall have the right to choose the Spanish nationality within one year after the exchange of ratifications of the treaty. This would permit all the uncivilized tribes which have not come under the jurisdiction of Spain, as well as foreign residents of the islands, to elect to create for themselves a nationality other than the one in control of the territory, while enjoying the benefits and protection of the laws of the local sovereignty. This would create an anamolous condition of affairs leading to complications and discord important to avoid.

The American Commission felt constrained to reject the articles tendered by the Spanish Commissioners in respect to contracts entered into for public works and services. It took this step because the nature, extent and binding obligation of these contracts are unknown to the American Commissioners, and they again disclaim any purpose of their Government to disregard the obligations of international law in respect to such contracts as investigation may show to be valid and binding upon the United States as successor in sovereignty in the ceded territory.

The American Commissioners also rejected the article proposed by the Spanish Commissioners upon the subject of "Deposits and Bonds." In the form tendered, the American Commissioners understand this article to obligate the United States to return moneys "received by Government Offices and Establishments from Spanish citizens" for the purposes specified, although the same never came into the possession of the authorities of the United States in said territories. Nothing can be further from the intention of that Government than to keep from the lawful owners such sums as come under its control which should be restored after the fulfilment of contracts or obligations intended to be secured thereby. Certainly the United States has no intention to indulge in such confiscation of property which becomes subject to its control, and may safely rely in such matters upon the confidence warranted by its consistent record.

Respecting the observation in the memorandum of the Spanish Commission upon the last message of the President of the United States, wherein he refers to the disaster to the battleship *Maine*, the American Commissioners feel obliged to decline to enter upon any discussion of the same, in obedience to well established precedents and practice in the history of their country.

The American Commissioners cannot close this final memorandum without expressing their sense of the thoroughness, learning, and devoted ability, no less than the uniform courtesy with which the Spanish Commissioners have conducted the negotiations about to terminate.

True copy: JOHN B. MOORE.

Annex 2 to Protocol No. 22.

The United States of America and Her Majesty the Queen Regent of Spain, in the Name of Her August Son Don Alfonso XIII, desiring to end the state of war now existing between the two countries, have for that purpose appointed as Plenipotentiaries:

The President of the United States,

William R. Day, Cushman K. Davis, William P. Frye, George Gray, and Whitelaw Reid, citizens of the United States;

And Her Majesty the Queen Regent of Spain,

Don Eugenio Montero Ríos, President of the Senate, Don Buenaventura de Abarzuza, Senator of the Kingdom and ex-Minister of the Crown, Don José de Garnica, Deputy to the Cortes and Associate Justice of the Supreme Court; Don Wenceslao Ramirez de Villa-Urrutia, Envoy Extraordinary and Minister Plenipotentiary at Brussels, and Don Rafael Cerero, General of Division;

Who, having assembled in Paris, and having exchanged their full powers, which were found to be in due and proper form, have, after discussion of the matters before them, agreed upon the following articles:

Article I.

Spain relinquishes all claim of sovereignty over and title to Cuba.

And as the island is, upon its evacuation by Spain, to be occu-

Los Estados Unidos de America y S. M. la Reina Regente de España, en Nombre de su Augusto Hijo Don Alfonso XIII, deseando poner término al estado de guerra hoy existente entre ambas Naciones, han nombrado con este objeto por sus Plenipotenciaros á saber:

El Presidente de los Estados Unidos de America Á:

William R. Day, Cushman K. Davis, William P. Frye, George Gray, y Whitelaw Reid, ciudadanos de los Estados Unidos;

Y su Majestad la Reina Regente de España, Á

Don Eugenio Montero Ríos, Presidente del Senado. Don Buenaventura de Abarzuza Senador del Reino, Ministro que ha sido de la Corona, Don José de Garnica, Diputado á Cortes, Magistrado del Tribunal supremo. Don Wenceslao Ramirez de Villa-Urrutia, Enviado Extraordinario y Ministro plenipotenciairo en Bruselas, y Don Rafael Cerero, General de división;

Los cuales reunidos en Paris, después de haberse comunicado sus plenos poderes que fueron hallados en buena y debida forma, y previa la discussión de las materias pendientes, ha convenido en los siguientes artículos:

Artículo I.

España renuncia todo derecho de soberanía y propiedad sobre Cuba.

En atención á que dicha isla, cuando sua evacuada por España,

pied by the United States, the United States will, so long as such occupation shall last, assume and discharge the obligations that may under international law result from the fact of its occupation, for the protection of life and property.

ARTICLE II.

Spain cedes to the United States the island of Porto Rico and other islands now under Spanish sovereignty in the West Indies, and the island of Guam in the Marianas or Ladrones.

ARTICLE III.

Spain cedes to the United States the archipelago known as the Philippine Islands, and comprehending the islands lying within the following line:

A line running from west to east along or near the twentieth parallel of north latitude, and through the middle of the navigable channel of Bachi, from the one hundred and eighteenth (118th) to the one hundred and twenty-seventh (127th) degree meridian of longitude east of Greenwich, thence along the one hundred and twenty-seventh (127th) degree meridian of longitude east of Greenwich to the parallel of four degrees and forty-five minutes (4° 45′) north latitude, thence along the parallel of four degrees and forty-five minutes (4° 45′) north latitude to its intersection with the meridian of longitude one hundred and nineteen degrees and thirty-five minutes (119° 35′) east of Greenwich, thence along the meridian of longitude one hundred and nineteen degrees and thirty-five minutes (119° 35′) east of Greenwich to the parallel of latitude seven degrees and forty minutes (7° 40′) north, thence along the parallel of latitude seven degrees and forty minutes (7° 40′) north to its intersection with the one hundred and sixteenth (116th) degree meridian of

va á ser ocupada por los Estados Unidos, los Estados Unidos mientras dure su ocupación, tomarán sobre sí y cumplirán las obligaciones que por el hecho de ocuparla, les impone el Derecho Internacional, para la protección de vidas y haciendas.

ARTÍCULO II.

España cede á los Estados Unidos la Isla de Puerto Rico y las demás que están ahora bajo su soberanía en las Indias Occidentales, y la Isla de Guam en el Archipiélago de las Marianas ó Ladrones.

ARTÍCULO III.

España cede á los Estados Unidos el archiepiélago conocido por Islas Filipinas, que comprende las islas situadas dentro de las líneas siguientes:

Una línea que corre de Oeste á Este, cerca del 20° paralelo de latitud Norte, á través de la mitad del canal navegable de Bachi, desde el 118° al 127° grados de longitud Este de Greenwich; de aquí á lo largo del ciento veintisiete (127) grado meridiano de longitud Este de Greenwich al paralelo cuatro grados cuarenta y cinco minutos (4° 45′) de latitud Norte; de aquí siguiendo el paralelo de cuatro grados cuarenta y cinco minutos de latitud Norte (4° 45′) hasta su intersección con el meridiano de longitud ciento diez y nueve grados y treinta y cinco minutos (119° 35′) Este de Greenwich; de aquí siguiendo el meridiano de longitud ciento diez y nueve grados y treinta y cinco minutos (119° 35′) Este de Greenwich, al paralelo de latitud siete grados cuarenta minutos (7° 40′) Norte; de aquí siguiendo el paralelo de latitud siete grados cuaranta minutos (7° 40′) Norte, á su intersección con el ciento diez y seis (116°) grado meridiano de longitud Este de Greenwich, de aquí por una línea recta, á la intersección del décimo grado paralelo de latitud Norte, con el

longitude east of Greenwich, thence by a direct line to the intersection of the tenth (10th) degree parallel of north latitude with the one hundred and eighteenth (118th) degree meridian of longitude east of Greenwich, and thence along the one hundred and eighteenth (118th) degree meridian of longitude east of Greenwich to the point of beginning.

The United States will pay to Spain the sum of twenty million dollars ($20,000,000) within three months after the exchange of the ratifications of the present treaty.

ARTICLE IV.

The United States will, for the term of ten years from the date of the exchange of the ratifications of the present treaty, admit Spanish ships and merchandise to the ports of the Philippine Islands on the same terms as ships and merchandise of the United States.

ARTICLE V.

The United States will, upon the signature of the present treaty, send back to Spain, at its own cost, the Spanish soldiers taken as prisoners of war on the capture of Manila by the American forces. The arms of the soldiers in question shall be restored to them.

Spain will, upon the exchange of the ratifications of the present treaty, proceed to evacuate the Philippines, as well as the island of Guam, on terms similar to those agreed upon by the Commissioners appointed to arrange for the evacuation of Porto Rico and other islands in the West Indies, under the Protocol of August 12, 1898, which is to continue in force till its provisions are completely executed.

The time within which the evacuation of the Philippine Islands and Guam shall be completed shall be fixed by the two Governments.

ciento diez y ocho (118°) grado meridiano de longitud Este de Greenwich, y de aquí siguiendo el ciento diez y ocho grado (118°) meridiano de longitud Este de Greenwich, al punto en que comienza esta demarcación.

Los Estados Unidos pagarán á España la suma de veinte millones de dollars ($20,000,000) dentro de tres meses después del canje de ratificaciones del presente tratado.

ARTÍCULO IV.

Los Estados Unidos durante el término de diez años á contar desde el canje de la ratificación del presente tratado admitirán en los puertos de las Islas Filipinas los buques y las mercancías españoles, bajo las mismas condiciones que los buques y las mercancías de los Estados Unidos.

ARTÍCULO V.

Los Estados Unidos, al ser firmado el presente tratado, trasportarán á España, á su costa, los soldados españoles que hicieron prisioneros de guerra las fuerzas Americanas al ser capturada Manila. Las armas de estos soldados les serán devueltas.

España, al canjearse las ratificaciones del presente tratado, procederá á evacuar las Islas Filipinas, así como la de Guam, en condiciones semejantes á las acordadas por las Comisiones nombradas para concertar la evacuación de Puerto Rico y otras Islas en las Antillas Occidentales, según el Protocolo de 12 de Agosto de 1898, que continuará en vigor hasta que sean completamente cumplidas sus disposiciones.

El término dentro del cual será completada la evacuación de las Islas Filipinas y la de Guam, sera, fijado por ambos Gobiernos. Serán

Stands of colors, uncaptured war vessels, small arms, guns of all calibres, with their carriages and accessories, powder, ammunition, livestock, and materials and supplies of all kinds, belonging to the land and naval forces of Spain in the Philippines and Guam, remain the property of Spain. Pieces of heavy ordnance, exclusive of field artillery, in the fortifications and coast defences, shall remain in their emplacements for the term of six months, to be reckoned from the exchange of ratifications of the treaty; and the United States may, in the mean time, purchase such material from Spain, if a satisfactory agreement between the two Governments on the subject shall be reached.

ARTICLE VI.

Spain will, upon the signature of the present treaty, release all prisoners of war, and all persons detained or imprisoned for political offences, in connection with the insurrections in Cuba and the Philippines and the war with the United States.

Reciprocally the United States will release all persons made prisoners of war by the American forces, and will undertake to obtain the release of all Spanish prisoners in the hands of the insurgents in Cuba and the Philippines.

The Government of the United States will at its own cost return to Spain and the Government of Spain will at its own cost return to the United States, Cuba, Porto Rico, and the Philippines, according to the situation of their respective homes, prisoners released or caused to be released by them, respectively, under this article.

ARTICLE VII.

The United States and Spain mutually relinquish all claims for indemnity, national and individual, of every kind, of either Gov-

propiedad de España banderas y estandartes, buques de guerra no apresados, armas portátiles, cañones de todos calibres con sus montajes y accesorios, pólvoras, municiones, ganado, material y efectos de toda clase pertenecientes á los ejércitos de mar y tierra de España en las Filipas y Guam. Las piezas de grueso calibre, que no sean artillería de campaña, colocadas en las fortificaciones y en las costas, quedarán en sus emplazamentos por el plazo de seis meses á partir del canje de ratificaciones del presente tratado, y los Estados Unidos podrán, durante ese tiempo, comprar á España dicho material, si ambos Gobiernos llegan á un acuerdo satisfactorio sobre el particular.

ARTÍCULO VI.

España, al ser firmado el presente tratado, pondrá en libertad á todos los prisioneros de guerra y á todos los detenidos ó presos por delitos políticos á consecuencia de las insurrecciones en Cuba y en Filipinas y de la guerra con los Estados Unidos.

Recíprocamente, los Estados Unidos pondrán en libertad á todos los prisioneros de guerra hechos por las fuerzas Americanas, y gestionarán la libertad de todos los prisioneros españoles en poder de los insurrectos de Cuba y Filipinas.

El Gobierno de los Estados Unidos trasportará, por su cuenta á España, y el Gobierno de España trasportará por su cuenta á los Estados Unidos, Cuba, Puerto Rico y Filipinas, con arreglo á la situación de sus respectivos hogares, los prisioneros que pongan ó que hagan poner en libertad respectivamente, en virtud de este Artículo.

ARTÍCULO VII.

España y los Estados Unidos de América renuncian mutuamente, por el presente tratado, á toda reclamación de indemnización na-

ernment, or of its citizens or subjects, against the other Government, that may have arisen since the beginning of the late insurrection in Cuba and prior to the exchange of ratifications of the present treaty, including all claims for indemnity for the cost of the war.

The United States will adjudicate and settle the claims of its citizens against Spain relinquished in this article.

ARTICLE VIII.

In conformity with the provisions of Articles I, II, and III of this treaty, Spain relinquishes in Cuba, and cedes in Porto Rico and other islands in the West Indies, in the island of Guam, and in the Philippine Archipelago, all the buildings, wharves, barracks, forts, structures, public highways and other immovable property which, in conformity with law, belong to the public domain, and as such belong to the Crown of Spain.

And it is hereby declared that the relinquishment or cession, as the case may be, to which the preceding paragraph refers, cannot in any respect impair the property or rights which by law belong to the peaceful possession of property of all kinds, of provinces, municipalities, public or private establishments, ecclesiastical or civic bodies, or any other associations having legal capacity to acquire and possess property in the aforesaid territories renounced or ceded, or of private individuals, of whatsoever nationality such individuals may be.

The aforesaid relinquishment or cession, as the case may be, includes all documents exclusively referring to the sovereignty relinquished or ceded that may exist in the archives of the Peninsula. Where any document in such archives only in part relates to said sovereignty, a copy of such part will be furnished

cional ó privada de cualquier género de un Gobierno contra el otro, ó de sus súbditos ó ciudadanos contra el otro Gobierno, que pueda haber surgido desde el comienzo de la última insurrección en Cuba y sea anterior al canje de ratificaciones del presente tratado, así como á toda indemnización en concepto de gastos ocasionados por la guerra.

Los Estados Unidos juzgarán y resolverán las reclamaciones de sus ciudadanos contra España, á que renuncia en este Artículo.

ARTÍCULO VIII.

En cumplimiento de lo convenido en los Artículos I, II y III de este tratado, España renuncia en Cuba y cede en Puerto Rico y en las otras Islas de las Indias Occidentales, en la Isla de Guam y en el Archipiélago de las Filipinas, todos los edificios, muelles, cuarteles, fortalezas, establecimientos, vías públicas y demás bienes inmuebles que con arreglo á derecho son del dominio público y como tal corresponden á la Corona de España.

Queda por lo tanto declarado que esta renuncia ó cesión, según el caso, á que se refiere el párrafo anterior, en nada puede mermar la propiedad, ó los derechos que correspondan, con arreglo á las leyes, al poseedor pacífico, de los bienes de todas clases de las provincias, municipios, establecimientos públicos ó privados, corporaciones civiles ó eclesiasticas, ó de cualesquiera otras colectividades que tienen personalidad jurídica para adquirir y poseer bienes en los mencionados territorios renunciado ó cedidos, y los de los individuos particulares, cualquiera que sea su nacionalidad.

Dicha renuncia ó cesión, según el caso, incluye todos los documentos que se refieran exclusivamente á dicha Soberanía renunciada ó cedida, que existan en los Archivos de la Península.

Cuando estos documentos existentes en dichos Archivos, solo en parte correspondan á dicha Sobe-

whenever it shall be requested. Like rules shall be reciprocally observed in favor of Spain in respect of documents in the archives of the islands above referred to.

In the aforesaid relinquishment or cession, as the case may be, are also included such rights as the crown of Spain and its authorities possess in respect of the official archives and records, executive as well as judicial, in the islands above referred to, which relate to said islands or the rights and property of their inhabitants. Such archives and records shall be carefully preserved, and private persons shall without distinction have the right to require, in accordance with law, authenticated copies of the contracts, wills and other instruments forming part of notarial protocols or files, or which may be contained in the executive or judicial archives, be the latter in Spain or in the islands aforesaid.

ARTICLE IX.

Spanish subjects, natives of the Peninsula, residing in the territory over which Spain by the present treaty relinquishes or cedes her sovereignty, may remain in such territory or may remove therefrom, retaining in either event all their rights of property, including the right to sell or dispose of such property or of its proceeds; and they shall also have the right to carry on their industry, commerce and professions, being subject in respect thereof to such laws as are applicable to other foreigners. In case they remain in the territory they may preserve their allegiance to the Crown of Spain by making, before a court of record, within a year from the date of the exchange of ratifications of this treaty, a declaration of their decision to preserve such allegiance; in default of which declaration, se facilitarán copias de dicha parte, siempre que sean solicitadas. Reglas análogos habran recíprocamente de observarse en favor de España, respecto de los documentos existentes en los Archivos de las Islas antes mencionades.

En las antecitadas renuncia ó cesión, según el caso, se hallan comprendidos aquellos derechos de la Corona de España y de sus Autoridades sobre los Archivos y Registros oficiales, así administrativos como judiciales de dichas islas, que se refieran á ellas y á los derechos y propiedades de sus habitantes. Dichos Archivos y Registros deberán ser cuidadosamente conservados, y los particulares sin excepción, tendrán derecho á sacar, con arreglo á las Leyes las copias autorizadas de los contratos, testamentos y demás documentos que formen parte de los protocolos notariales ó que se custodien en los Archivos administrativos ó judiciales, bien estos se hallen en España, ó bien en las Islas de que se hace mención anteriormente.

ARTÍCULO IX.

Los súbditos españoles, naturales de la Península, residentes en el territorio cuya soberanía España renuncia ó cede por el presente tratado, podrán permanecer en dicho territorio ó marcharse de el, conservando en uno ú otro caso todos sus derechos de propiedad, con inclusión del derecho de vender ó disponer de tal propiedad ó de sus productos; y además tendrán el derecho de ejercer su industria, comercio ó profesión, sujetándose á este respecto á las leyes que sean aplicables á los demás extrangeros. En el caso de que permanezcan en el territorio, podrán conservar su nacionalidad española haciendo ante una Oficina de registro, dentro de un año después del cambio de ratificaciones de este tratado, una declaración de su propósito de conservar dicha nacionalidad:

laration they shall be held to have renounced it and to have adopted the nationality of the territory in which they may reside.

The civil rights and political status of the native inhabitants of the territories hereby ceded to the United States shall be determined by the Congress.

á falta de esta declaración, se considerará que han renunciado dicha nacionalidad y adoptado la del territorio en el cual pueden residir.

Los derechos civiles y la condición política de los habitantes naturales de los territorios aquí cedidos á los Estados Unidos se determinarán por el Congreso.

ARTICLE X.

The inhabitants of the territories over which Spain relinquishes or cedes her sovereignty shall be secured in the free exercise of their religion.

ARTÍCULO X.

Los habitantes de los territorios cuya soberanía España renuncia ó cede, tendrán asegurado el libre ejercicio de su religión.

ARTICLE XI.

The Spaniards residing in the territories over which Spain by this treaty cedes or relinquishes her sovereignty shall be subject in matters civil as well as criminal to the jurisdiction of the courts of the country wherein they reside, pursuant to the ordinary laws governing the same; and they shall have the right to appear before such courts, and to pursue the same course as citizens of the country to which the courts belong.

ARTÍCULO XI.

Los españoles residentes en los territorios cuya soberanía cede ó renuncia España por este tratado, estarán sometidos en lo civil y en lo criminal á les tribunales del país en que residan con arreglo á las leyes comunes que regulen su competencia, pudiendo comparecer ante aquellos, en la misma forma y ampleando los mismos procedimientos que deban observar los ciudadanos del país á que pertenezca el tribunal.

ARTICLE XII.

Judicial proceedings pending at the time of the exchange of ratifications of this treaty in the territories over which Spain relinquishes or cedes her sovereignty shall be determined according to the following rules:

1. Judgments rendered either in civil suits between private individuals, or in criminal matters, before the date mentioned, and with respect to which there is no recourse or right of review under the Spanish law, shall be deemed to be final, and shall be executed in due form by competent authority in the territory within which such judgments should be carried out.

2. Civil suits between private individuals which may on the date

ARTÍCULO XII.

Los procedimientos judiciales pendientes al canjearse las ratificaciones de este tratado, en los territorios sobre los cuales España renuncia ó cede su Soberanía, se determinarán con arreglo á las reglas siguientes:

1. Las sentencias dictadas en causas civiles entre particulares ó en materia criminal antes de la fecha mencionada, y contra las cuales no haya apelación ó casación con arreglo á las leyes españolas, se considerarán como firmes, y serán ejecutadas en debida forma por la Autoridad competente en el territorio dentro del cual dichas sentencias deban cumplirse.

2. Los pleitos civiles entre particulares que en la fecha mencio-

mentioned be undetermined shall be prosecuted to judgment before the court in which they may then be pending or in the court that may be substituted therefor.

3. Criminal actions pending on the date mentioned before the Supreme Court of Spain against citizens of the territory which by this treaty ceases to be Spanish shall continue under its jurisdiction until final judgment; but, such judgment having been rendered, the execution thereof shall be committed to the competent authority of the place in which the case arose.

ARTICLE XIII.

The rights of property secured by copyrights and patents acquired by Spaniards in the Island of Cuba, and in Porto Rico, the Philippines and other ceded territories, at the time of the exchange of the ratifications of this treaty, shall continue to be respected. Spanish scientific, literary and artistic works, not subversive of public order in the territories in question, shall continue to be admitted free of duty into such territories, for the period of ten years, to be reckoned from the date of the exchange of the ratifications of this treaty.

ARTICLE XIV.

Spain shall have the power to establish consular officers in the ports and places of the territories, the sovereignty over which has been either relinquished or ceded by the present treaty

ARTICLE XV.

The Government of each country will, for the term of ten years, accord to the merchant vessels of the other country the same treatment in respect of all port charges, including entrance and clearance dues, light dues, and tonnage

nada no hayan sido juzgados, continuarán su tramitación ante el Tribunal en que se halle el proceso ó ante aquel que lo sustituya.

3. Las acciones en materia criminal pendientes en la fecha mencionada ante el Tribunal Supremo de España contra ciudadanos del territorio que según este tratado deja de ser español, continuarán bajo su jurisdicción hasta que recaiga la sentencia definitiva; pero una vez dictada esa sentencia, su ejecución será encomendada á la Autoridad competente del lugar en que la acción se suscitó.

ARTÍCULO XIII.

Continuarán respetándose los derechos de propiedad literaria, artística ó industrial, adquiridos por españoles en las Islas de Cuba y en las de Puerto Rico, Filipinas y demás territorios cedidos, al hacerse el canje de las ratificaciones de este tratado. Las obras españolas científicas, literarias y artísticas, que no sean peligrosas para el orden público en dichos territorios, continuarán entrando en los mismos, con franquicia de todo derecho de aduana por un plazo de diez años á contar desde el canje de ratificaciones de este tratado.

ARTÍCULO XIV.

España podrá establecer Agentes Consulares en los puertos y plazas de los territorios cuya renuncia y cesión es objeto de este tratado.

ARTÍCULO XV.

El Gobierno de cada país concederá, por el término de diez años, á los buques mercantes del otro el mismo trato en cuanto á todos los derechos de puerto, incluyendo los de entrada y salida, de faro y tonelaje, que concede á sus propios

duties, as it accords to its own merchant vessels, not engaged in the coastwise trade.

This article may at any time be terminated on six months notice given by either Government to the other.

ARTICLE XVI.

It is understood that any obligations assumed in this treaty by the United States with respect to Cuba are limited to the time of its occupancy thereof; but it will upon the termination of such occupancy, advise any Government established in the island to assume the same obligations.

ARTICLE XVII

The present treaty shall be ratified by the President of the United States, by and with the advice and consent of the Senate thereof, and by Her Majesty the Queen Regent of Spain; and the ratifications shall be exchanged at Washington within six months from the date hereof, or earlier if possible.

In faith whereof, we, the respective Plenipotentiaries, have signed this treaty and have hereunto affixed our seals.

Done in duplicate at Paris, the tenth day of December, in the year of Our Lord one thousand eight hundred and ninety eight.

[SEAL] WILLIAM R. DAY
[SEAL] CUSHMAN K. DAVIS
[SEAL] WILLIAM P. FRYE
[SEAL] GEO. GRAY
[SEAL] WHITELAW REID.

buques mercantes no empleados en el comercio de cabotaje.

Este artículo puede ser denunciado en cualquier tiempo dando noticia previa de ello cualquiera de los dos Gobiernos al otro con seis meses de anticipación.

ARTÍCULO XVI.

Queda entendido que cualquiera obligación aceptada en este tratado por los Estados Unidos con respecto á Cuba, está limitada al tiempo que dure su ocupación en esta isla, pero al terminar dicha ocupación, aconsejarán al Gobierno que se establezca en la isla que acepte las mismas obligaciones.

ARTÍCULO XVII.

El presente tratado será ratificado por el Presidente de los Estados Unidos, de acuerdo y con la aprobación del Senado, y por Su Majestad la Reina Regente de España; y las ratificaciones se canjearán en Washington dentro del plazo de seis meses desde esta fecha, ó antes si posible fuese.

En fé de lo cual, los respectivos Plenipotenciarios firman y sellan este tratado.

Hecho por duplicado in Paris á diez de Diciembre del año mil ochocientos noventa y ocho.

[SEAL] EUGENIO MONTERO RÍOS
[SEAL] B. DE ABARZUZA
[SEAL] J. DE GARNICA
[SEAL] W R DE VILLA URRUTIA
[SEAL] RAFAEL CERERO

MESSAGE

OF THE

GOVERNMENT OF H. M. THE QUEEN REGENT OF SPAIN, SUBMITTED BY H. EXC. MR. J. CAMBON, AMBASSADOR OF THE FRENCH REPUBLIC, TO WILLIAM McKINLEY, PRESIDENT OF THE UNITED STATES OF AMERICA.

MADRID, *July 22, 1898.*

MR. PRESIDENT:

Since three months the American people and the Spanish nation are at war because Spain did not consent to grant independence to Cuba and to withdraw her troops therefrom.

Spain faced with resignation such uneven strife, and only endeavored to defend her possessions with no other hope than to oppose, in the measure of her strength, the undertaking of the United States, and to protect her honor.

Neither the trials which adversity has made us endure nor the realization that but faint hope is left us could deter us from struggling till the exhaustion of our very last resources. This stout purpose, however, does not blind us, and we are fully aware of the responsibilities which would weigh upon both nations in the eyes of the civilized world were this war to be continued.

This war not only inflicts upon the two peoples who wage it the hardships inseparable from all armed conflict, but also dooms to useless suffering and unjust sacrifices the inhabitants of a territory to which Spain is bound by secular ties that can be forgotten by no nation either of the old or of the new world.

To end calamities already so great and to avert evils still greater, our countries might mutually endeavor to find upon which conditions the present struggle could be terminated otherwise than by force of arms.

Spain believes this understanding possible, and hopes that this view is also harbored by the Government of the United States. All true friends of both nations share no doubt the same hope.

Spain wishes to show again that in this war, as well as in the one she carried on against the Cuban insurgents, she had but one object: the vindication of her prestige, her honor, her name. During the war of insurrection it was her desire to spare the great island from the dangers of premature independence; in the present war she has been actuated by sentiments inspired rather by ties of blood than by her interests and by the rights belonging to her as mother country.

Spain is prepared to spare Cuba from the continuation of the horrors of war if the United States are, on their part, likewise disposed.

The President of the United States and the American people may now learn from this message the true thought, desire, and intention of the Spanish nation.

And so do we wish to learn from the President of the United States upon which basis might be established a political status in Cuba and might be terminated a strife which would continue without reason should both Governments agree upon the means of pacifying the island.

In the name of the Government of H. M. the Queen Regent I have the honor to address this message to your excellency, with the expression of my highest consideration.

DUC D'ALMODOVAR DEL RIO,
Ministre d'Etat.

DEPARTMENT OF STATE,
Washington, July 30, 1898.

EXCELLENCY:

The President received on the afternoon of Tuesday, the 26th instant, from the hand of his excellency the ambassador of France, representing for this purpose the Government of Spain, the message signed by your excellency as minister of state in behalf of the Government of Her Majesty the Queen Regent of Spain, and dated the 22d instant, as to the possibility of terminating the war now existing between the United States and Spain.

The President received with satisfaction the suggestion that the two countries might mutually endeavor to ascertain the conditions on which the pending struggle may be brought to an end, as well as the expression of Spain's belief that an understanding on the subject is possible.

During the protracted negotiations that preceded the outbreak of hostilities the President earnestly labored to avert a conflict, in the hope that Spain, in consideration of her own interests, as well as those of the Spanish Antilles and the United States, would find a way of removing the conditions which had, for half a century, constantly disturbed the peace of the Western Hemisphere and on numerous occasions brought the two nations to the verge of war.

The President witnessed with profound disappointment the frustration of his peaceful efforts by events which forced upon the people of the United States the unalterable conviction that nothing short of the relinquishment by Spain of a claim of sovereignty over Cuba which she was unable to enforce would relieve a situation that had become unendurable.

For years the Government of the United States, out of regard for the susceptibilities of Spain, had by the exercise of its power and the expenditure of its treasure preserved the obligations of neutrality. But a point was at length reached at which, as Spain had often been forewarned, this attitude could no longer be maintained. The spectacle at our very doors of a fertile territory wasted by fire and sword, and given over to desolation and famine, was one to which our people could not be indifferent. Yielding, therefore, to the demands of humanity, they determined to remove the causes in the effects of which they had become so deeply involved.

To this end the President, with the authority of Congress, presented to Spain a demand for the withdrawal of her land and naval forces

from Cuba, in order that the people of the island might be enabled to form a government of their own. To this demand Spain replied by severing diplomatic relations with the United States, and by declaring that she considered the action of this Government as creating a state of war between the two countries.

The President could not but feel sincere regret that the local question as to the peace and good government of Cuba should thus have been transformed and enlarged into a general conflict of arms between two great peoples. Nevertheless, having accepted the issue with all the hazards which it involved, he has, in the exercise of his duty, and of the rights which the state of war confers, prosecuted hostilities by land and sea, in order to secure at the earliest possible moment an honorable peace. In so doing he has been compelled to avail himself unsparingly of the lives and fortunes which his countrymen have placed at his command; and untold burdens and sacrifices, far transcending any material estimation, have been imposed upon them.

That as the result of the patriotic exertions of the people of the United States the strife has, as your excellency observes, proved unequal, inclines the President to offer a brave adversary generous terms of peace.

The President therefore responding to your excellency's request, will state the terms of peace which will be accepted by him at the present time, subject to the approval of the Senate of the United States hereafter.

Your excellency in discussing the question of Cuba intimates that Spain has desired to spare the island the dangers of premature independence. The Government of the United States has not shared the apprehensions of Spain in this regard, but it recognizes the fact that in the distracted and prostrate condition of the island, aid and guidance will be necessary, and these it is prepared to give.

The United States will require:

First. The relinquishment by Spain of all claim of sovereignty over or title to Cuba and her immediate evacuation of the island.

Second. The President, desirous of exhibiting signal generosity, will not now put forward any demand for pecuniary indemnity. Nevertheless he can not be insensible to the losses and expenses of the United States incident to the war or to the claims of our citizens for injuries to their persons and property during the late insurrection in Cuba. He must, therefore, require the cession to the United States and the immediate evacuation by Spain of the island of Porto Rico and other islands now under the sovereignty of Spain in the West Indies, and also the cession of an island in the Ladrones, to be selected by the United States.

Third. On similar grounds the United States is entitled to occupy and will hold the city, bay, and harbor of Manila pending the conclusion of a treaty of peace which shall determine the control, disposition, and government of the Philippines.

If the terms hereby offered are accepted in their entirety commissioners will be named by the United States to meet similarly authorized commissioners on the part of Spain for the purpose of settling the details of the treaty of peace and signing and delivering it under the terms above indicated.

I avail myself of this occasion to offer to your excellency the assurances of my highest consideration.

WILLIAM R. DAY.

His Excellency the DUKE OF ALMODOVAR DEL RIO,
Minister of State, etc.

MESSAGE OF HIS EXCELLENCY THE DUKE OF ALMODOVAR DEL RIO, MINISTER OF STATE OF SPAIN, SUBMITTED BY HIS EXCELLENCY MR. J. CAMBON, AMBASSADOR OF THE FRENCH REPUBLIC, TO HONORABLE WILLIAM R. DAY, SECRETARY OF STATE OF THE UNITED STATES.

[Translation.]

MADRID, *August 7th, 1898.*

MR. SECRETARY OF STATE:

The French ambassador at Washington, whose good offices have enabled the Spanish Government to address a message to the President of the United States, has forwarded by cable your excellency's reply to this document.

In examining the arguments used as a preamble to the specification of the terms upon which peace may be restored between Spain and the United States, it behooves the Spanish Government to deduct from the order of events that the severance of diplomatic relations with the United States had no other purpose than to decline the acceptance of an ultimatum which Spain could only consider as an attempt against her rightful sovereignty over Cuba.

Spain did not declare war; she met it because it was the only means of defending her rights in the Greater Antilles. Thus did the Queen and the United States see fit to transform and enlarge the purely local question of Cuba.

From this fact your excellency draws the conclusion that the question at stake is no longer only the one which relates to the territory of Cuba, but also that the losses of American lives and fortunes incident to the war should in some manner be compensated.

As to the first condition, relating to the future of Cuba, the two Governments reach similar conclusions in regard to the natural inability of its people to establish an independent government; be it by reason of inadequate development, as we believe, or on account of the present distracted and prostrate condition of the island, as your excellency states, the fact remains that Cuba needs guidance. The American people are willing to assume the responsibility of giving this guidance by substituting themselves to the Spanish nation, whose right to keep the island is indisputable; to this intimation we have nothing to oppose. The necessity of withdrawing from the territory of Cuba being imperative, the nation assuming Spain's place must, as long as this territory shall not have fully reached the conditions required to take rank among other sovereign powers, provide for rules which will insure order and protect against all risks the Spanish residents, as well as the Cuban natives still loyal to the mother country.

In the name of the nation the Spanish Government hereby relinquishes all claim of sovereignty over or title to Cuba, and engages to the irremeable evacuation of the island, subject to the approval of the Cortes—a reserve which we likewise make with regard to the other proffered terms—just as these terms will have to be ultimately approved by the Senate of the United States.

The United States require, as an indemnity for or an equivalent to the sacrifices they have borne during this short war, the cession of Porto Rico and of the other islands now under the sovereignty of Spain in the West Indies, and also the cession of an island in the Ladrones, to be selected by the Federal Government.

This demand strips us of the very last memory of a glorious past, and expels us at once from the prosperous Island of Porto Rico and from the Western Hemisphere, which became peopled and civilized through the proud deeds of our ancestors. It might, perhaps, have been possible to compensate by some other cession for the injuries sustained by the United States. However, the inflexibility of the demand obliges us to cede, and we shall cede, the Island of Porto Rico and the other islands belonging to the Crown of Spain in the West Indies, together with one of the islands of the archipelago of the Ladrones, to be selected by the American Government.

The terms relating to the Philippines seem, to our understanding, to be quite indefinite. On the one hand, the ground on which the United States believe themselves entitled to occupy the bay, the harbor, and the city of Manila, pending the conclusion of a treaty of peace, can not be that of conquest, since in spite of the blockade maintained on sea by the American fleet, in spite of the siege established on land by a native supported and provided for by the American admiral, Manila still holds its own, and the Spanish standard still waves over the city. On the other hand, the whole archipelago of the Philippines is in the power and under the sovereignty of Spain. Therefore the Government of Spain thinks that the temporary occupation of Manila should constitute a guaranty. It is stated that the treaty of peace shall determine the control, disposition, and government of the Philippines; but as the intentions of the Federal Government by regression remain veiled, therefore the Spanish Government must declare that, while accepting the third condition, they do not a priori renounce the sovereignty of Spain over the archipelago, leaving it to the negotiators to agree as to such reforms which the condition of these possessions and the level of culture of their natives may render desirable.

The Government of Her Majesty accepts the third condition, with the above-mentioned declarations.

Such are the statements and observations which the Spanish Government has the honor to submit in reply to your excellency's communication. They accept the proffered terms, subject to the approval of the Cortes of the Kingdom, as required by their constitutional duties.

The agreement between the two Governments implies the irremeable suspension of hostilities and the designation of commissioners for the purpose of settling the details of the treaty of peace and of signing it, under the terms above indicated.

I avail myself of this occasion to offer to your excellency the assurances of my highest consideration.

ALMODOVAR DEL RIO.

DEPARTMENT OF STATE,
Washington, August 10, 1898.

EXCELLENCY: Although it is your understanding that the note of the Duke of Almodovar, which you left with the President on yesterday afternoon, is intended to convey an acceptance by the Spanish Government of the terms set forth in my note of the 30th ultimo as the basis on which the President would appoint commissioners to negotiate and conclude with commissioners on the part of Spain a treaty of peace, I understand that we concur in the opinion that the Duke's note, doubtless owing to the various transformations which it has undergone in the

course of its circuitous transmission by telegraph and in cipher, is not, in the form in which it has reached the hands of the President, entirely explicit.

Under these circumstances it is thought that the most direct and certain way of avoiding misunderstanding is to embody in a protocol, to be signed by us as the representatives, respectively, of the United States and Spain, the terms on which the negotiations for peace are to be undertaken.

I therefore inclose herewith a draft of such a protocol, in which you will find that I have embodied the precise terms tendered to Spain in my note of the 30th ultimo, together with appropriate stipulations for the appointment of commissioners to arrange the details of the immediate evacuation of Cuba, Porto Rico, and other islands under Spanish sovereignty in the West Indies, as well as for the appointment of commissioners to treat of peace.

Accept, excellency, the renewed assurances of my highest consideration.

WILLIAM R. DAY.

His Excellency M. JULES CAMBON, etc.

PROTOCOL.

William R. Day, Secretary of State of the United States, and His Excellency Jules Cambon, ambassador extraordinary and plenipotentiary of the Republic of France at Washington, respectively possessing for this purpose full authority from the Government of the United States and the Government of Spain, have concluded and signed the following articles, embodying the terms on which the two Governments have agreed in respect to the matters hereinafter set forth, having in view the establishment of peace between the two countries, that is to say:

ARTICLE 1. Spain will relinquish all claim of sovereignty over or title to Cuba.

ARTICLE 2. Spain will cede to the United States the Island of Porto Rico and other islands now under Spanish sovereignty in the West Indies, and also an island in the Ladrones, to be selected by the United States.

ARTICLE 3. The United States will occupy and hold the city, bay, and harbor of Manila pending the conclusion of a treaty of peace which shall determine the control, disposition, and government of the Philippines.

ARTICLE 4. Spain will immediately evacuate Cuba, Porto Rico, and other islands under Spanish sovereignty in the West Indies; and to this end each Government will, within ten days after the signing of this protocol, appoint commissioners, and the commissioners so appointed shall, within thirty days after the signing of this protocol, meet at Havana for the purpose of arranging and carrying out the details of the aforesaid evacuation of Cuba and the adjacent Spanish islands; and each Government will, within ten days after the signing of this protocol, also appoint other commissioners, who shall, within thirty days after the signing of this protocol, meet at San Juan, in Porto Rico, for the purpose of arranging and carrying out the details of the aforesaid evacuation of Porto Rico and other islands under Spanish sovereignty in the West Indies.

ARTICLE 5. The United States and Spain will each appoint not more than five commissioners to treat of peace, and the commissioners so appointed shall meet at Paris not later than October 1, 1898, and proceed to the negotiation and conclusion of a treaty of peace, which treaty shall be subject to ratification according to the respective constitutional forms of the two countries.

ARTICLE 6. Upon the conclusion and signing of this protocol hostilities between the two countries shall be suspended, and notice to that effect shall be given as soon as possible by each Government to the commanders of its military and naval forces.

DEPARTMENT OF STATE,
Washington, August 10, 1898.

EXCELLENCY:

I have the honor to say, as I assured you orally this morning, that upon the suspension of hostilities between the United States and Spain, as the result of the signing and sealing of the protocol upon the terms of which we have agreed, it is the purpose of this Government to take prompt and efficient means to aid the introduction of food supplies into the ports of Cuba.

Accept, excellency, the renewed assurances of my highest consideration.

WILLIAM R. DAY.

His Excellency Mr. JULES CAMBON, etc.

WILLIAM R. DAY,
Secretary of State:

You are hereby authorized to sign, on the part of the United States, the protocol of this date embodying the terms on which the United States and Spain have agreed to treat of peace.

WILLIAM MCKINLEY.

EXECUTIVE MANSION,
Washington, August 12, 1898.

[Translation.]

EMBASSY OF THE FRENCH REPUBLIC
IN THE UNITED STATES,
Washington, August 12, 1898.

MR. SECRETARY OF STATE: I have the honor to inform you that I have just received, through the intermediation of the department of foreign affairs at Paris, a telegram, dated Madrid, August 11, in which the Duke of Almodovar del Rio announces to me that, by order of Her Majesty the Queen Regent, the Spanish Government confers upon me full powers in order that I may sign, without other formality and without delay, the protocol whereof the terms have been drawn up by common accord between you and me. The instrument destined to make regular the powers which are thus given to me by telegraph will be subsequently addressed to me by the post.

His excellency the minister of state adds that in accepting this protocol, and by reason of the suspension of hostilities which will be the immediate consequence of that acceptance, the Spanish Government has pleasure in hoping that the Government of the United States will take the necessary measures with a view to restrain (empecher) all aggression on the part of the Cuban separatist forces.

The Government of the Republic having, on the other hand, authorized me to accept the powers which are conferred upon me by the Spanish Government, I shall hold myself at your disposition to sign the protocol at the hour you may be pleased to designate.

Congratulating myself upon thus cooperating with you toward the restoration of peace between two nations, both friends of France, I beg you to accept, Mr. Secretary of State, the fresh assurances of my very high consideration.

JULES CAMBON.

Hon. WILLIAM R. DAY,
Secretary of State of the United States, etc., Washington.

No. 94.] DEPARTMENT OF STATE,
Washington, August 15, 1898.

EXCELLENCY: I have the honor to make formal acknowledgment of the note you addressed to me, under date of the 12th instant, informing me of your receipt, through the medium of the department of foreign affairs at Paris, of a telegram, dated Madrid, August 11, in which the Duke of Almodovar del Rio, minister of state of Spain, by order of Her Majesty the Queen Regent, conferred upon you full powers to sign, without other formality and without delay, the protocol already drawn up by you and me, leaving the documentary confirmation of your said full powers to follow by mail; and adding that, the Government of the Republic having authorized you to accept the powers so conferred upon you by the Spanish Government, you were ready to sign the protocol at such time as I might designate.

The signing of the protocol on the afternoon of the 12th instant by you and me, in the presence of the President, followed by the immediate action of the President in issuing his proclamation suspending hostilities, in accordance with the appropriate stipulation of that protocol, testified in a most gratifying manner the full recognition by this Government of the powers conferred upon you, and, I am glad to believe, marked the first and most effective step toward the happy restoration of peace between the United States and Spain. It is especially gratifying to the President and to this Government that you, as the honored representative of the French Republic, allied to our American Commonwealth by the unbroken ties of more than a century of close friendship and to the Kingdom of Spain by propinquity and intimate association, should have been thus instrumental in contributing to this auspicious result.

Referring to the observation contained in your note relative to the internal order of Cuba during the suspension of hostilities, I may remark that the forces of the United States, in proportion as they occupy Cuban territory in the course of the evacuation thereof by Spain and its delivery to the arms of the United States under the terms of the protocol, will, it is believed, be adequate to preserve peace and order, and no doubt is entertained of their ability to restrain any possible injury to

the inhabitants of the island in the country which shall by degrees come under their control.

Be pleased, Mr. Ambassador, to accept the renewed assurances of my highest consideration.

WILLIAM R. DAY.

[Translation.]

The French ambassador, referring to his communication of the 12th instant, has the honor to inform the Secretary of State of the United States, that he has just received, through the department of foreign affairs at Paris, the full powers which had been conferred upon him, in the name of the King of Spain, by Her Majesty the Queen Regent, to enable him to sign the preliminary protocol of the negotiations for the reestablishment of peace between Spain and the United States.

Mr. J. Cambon requests the Hon. William R. Day to please to find inclosed the said document, and avails himself of the occasion to renew the assurances of his highest consideration.

WASHINGTON, *August 30, 1898.*

Hon. WM. R. DAY,

Secretary of State of the United States, etc., Washington.

DON ALFONSO XIII

POR LA GRACIA DE DIOS Y LA CONSTITUCIÓN REY DE ESPAÑA Y EN SU NOMBRE Y DURANTE SU MENOR EDAD

DOÑA MARIA CRISTINA

REINA REGENTE DEL REINO.

Por cuánto ha llegado el caso de negociar y firmar en Washington un Protocolo en que se pacten los preliminares de paz entre España y los Estados Unidos de América y siendo preciso que para ello autorice Yo una persona en quien concurran las circunstancias necesarias: Por tanto He venido en elegir, obtenido al efecto el asentimiento de Su Excelencia el Presidente de la República Francesa, á Vos Don Julio Cambon, Embajador Extraordinario y Plenipotenciario de la República Francesa en los Estados Unidos de América, como por la presente Os elijo y nombro para que revestido del carácter de Mi Plenipotenciario procedais á negociar y firmar, con el Plenipotenciario que al efecto designe Su Excelencia el Presidente de los Estados Unidos de América, el precitado Protocolo. Y todo lo que convengais, negocieis y firmeis, en cumplimiento de este encargo, lo doy desde ahora por grato y rato, lo observaré y cumpliré y lo haré observar y cumplir como si por Mi misma lo hubiera efectuado, para lo cual Os doy todo Mi pleno poder en la más amplia forma que en derecho se requiere. Y en fé de ello He hecho expedir la presente firmada de Mi mano, debidamente sellada y refrendada el infrascrito Mi Ministro de Estado. Dado en el Palacio de Madrid á once de Agosto de mil ochientos noventa y ocho.

[SEAL] MARIA CRISTINA.

El Ministro de Estado

JUAN MANUEL SANCHEZ Y GUTIERREZ DE CASTRO.

[Translation.]

DON ALFONSO XIII

BY THE GRACE OF GOD AND THE CONSTITUTION, KING OF SPAIN, AND IN HIS NAME AND DURING HIS MINORITY,

DONA MARIA CRISTINA,

QUEEN REGENT OF THE KINGDOM.

Whereas it has become necessary to negotiate and sign at Washington a protocol in which the preliminaries of peace between Spain and the United States of America shall be settled, and as it is necessary for me to empower for that purpose a person possessing the requisite qualifications: Therefore, I have decided to select, after procuring the consent of His Excellency the President of the French Republic, you, Don Julio Cambon, ambassador extraordinary and plenipotentiary of the French Republic in the United States of America, as I do, by these presents, select and appoint you to proceed, invested with the character of my plenipotentiary to negotiate and sign with the plenipotentiary whom His Excellency the President of the United States of America may designate for that purpose the aforesaid protocol. And I declare, from the present moment, all that you may agree upon, negotiate, and sign in the execution of this commission acceptable and valid, and I will observe it and execute it, and will cause it to be observed and executed as if it had been done by myself, for which I give you my whole full powers in the most ample form required by law. In witness whereof I have caused these presents to be issued, signed by my hand, duly sealed and countersigned by the undersigned, my minister of state. Given in the palace at Madrid, August 11, 1898.

[L. S.] MARIA CRISTINA.

JUAN MANUEL SANCHEZ Y GUTIERREZ DE CASTRO,
Minister of State.

PROTOCOL OF AGREEMENT

BETWEEN

THE UNITED STATES AND SPAIN.

Signed at Washington, August 12, 1898.

PROTOCOL.

William R. Day, Secretary of State of the United States, and His Excellency Jules Cambon, Ambassador Extraordinary and Plenipotentiary of the Republic of France at Washington, respectively possessing for this purpose full authority from the Government of the United States and the Government of Spain, have concluded and signed the following articles, embodying the terms on which the two Governments have agreed in respect to the matters hereinafter set forth, having in view the establishment of peace between the two countries, that is to say:

ARTICLE I.

Spain will relinquish all claim of sovereignty over and title to Cuba.

ARTICLE II.

Spain will cede to the United States the island of Porto Rico and other islands now under Spanish sovereignty in the West Indies, and also an island in the Ladrones to be selected by the United States.

PROTOCOLE.

William R. Day, Secrétaire d'Etat des Etats-Unis, et Son Excellence M. Jules Cambon, Ambassadeur Extraordinaire et Plénipotentiaire de la République Française à Washington, ayant respectivement reçu à cet effet pleine autorisation du Gouvernement des Etats-Unis et du Gouvernement d'Espagne, ont conclu et signé les articles suivants qui précisent les termes sur lesquels les deux Gouvernements se sont mis d'accord en ce qui concerne les questions ci-après désignées et ayant pour objet l'établissement de la paix entre les deux pays, savoir:

ARTICLE I.

L'Espagne renoncera à toute prétention à sa souveraineté et à tout droit sur Cuba.

ARTICLE II.

L'Espagne cédera aux Etats-Unis l'île de Porto-Rico et les autres îles actuellement sous la souveraineté Espagnole dans les Indes Occidentales, ainsi qu'une île dans les Ladrones qui sera choisie par les Etats-unis.

ARTICLE III.

The United States will occupy and hold the city, bay and harbor of Manila, pending the conclusion of a treaty of peace which shall determine the control, disposition and government of the Philippines.

ARTICLE IV.

Spain will immediately evacuate Cuba, Porto Rico and other islands now under Spanish sovereignty in the West Indies; and to this end each Government will, within ten days after the signing of this protocol, appoint Commissioners, and the Commissioners so appointed shall, within thirty days after the signing of this protocol, meet at Havana for the purpose of arranging and carrying out the details of the aforesaid evacuation of Cuba and the adjacent Spanish islands; and each Government will, within ten days after the signing of this protocol, also appoint other Commissioners, who shall, within thirty days after the signing of this protocol, meet at San Juan, in Porto Rico, for the purpose of arranging and carrying out the details of the aforesaid evacuation of Porto-Rico and other islands now under Spanish sovereignty in the West Indies.

ARTICLE V.

The United States and Spain will each appoint not more than five commissioners to treat of peace, and the commissioners so appointed shall meet at Paris not later than October 1, 1898, and proceed to the negotiation and conclusion of a treaty of peace, which treaty shall be subject to ratification according to the respective constitutional forms of the two countries.

ARTICLE III.

Les Etats-Unis occuperont et tiendront la ville, la baie et le port de Manille en attendant la conclusion d'un traité de paix qui devra déterminer le contrôle, la disposition et le Gouvernement des Philippines.

ARTICLE IV.

L'Espagne évacuera immédiatement Cuba, Porto Rico et les autres îles actuellement sous la souveraineté Espagnole dans les Indes Occidentales; à cet effet chacun des deux Gouvernements nommera, dans les dix jours qui suivront la signature de ce protocole, des commissaires, et les commissaires ainsi nommés devront, dans les trente jours qui suivront la signature de ce protocole, se rencontrer à la Havane afin d'arranger et d'exécuter les détails de l'évacuation sus mentionée de Cuba et des îles Espagnoles adjacentes; et chacun des deux Gouvernements nommera également, dans les dix jours qui suivront la signature de ce protocole, d'autres commissaires qui devront, dans les trente jours de la signature de ce protocole, se rencontrer à San Juan de Porto-Rico afin d'arranger et d'exécuter les détails de l'évacuation susmentionnée de Porto-Rico et des autres îles actuellement sous la souveraineté Espagnole dans les Indes Occidentales.

ARTICLE V.

Les Etats-Unis et l'Espagne nommeront, pour traiter de la paix, cinq commissaires au plus pour chaque pays; les commissaires ainsi nommés devront se rencontrer à Paris, le 1er Octobre 1898, au plus tard, et procéder à la négociation et à la conclusion d'un traité de paix; ce traité sera sujet à ratification, selon les formes constitutionnelles de chacun des deux pays.

ARTICLE VI.

Upon the conclusion and signing of this protocol, hostilities between the two countries shall be suspended, and notice to that effect shall be given as soon as possible by each Government to the commanders of its military and naval forces.

Done at Washington in duplicate, in English and in French, by the Undersigned, who have hereunto set their hands and seals, the 12th day of August 1898.

[SEAL.] WILLIAM R. DAY
[SEAL.] JULES CAMBON

ARTICLE VI.

A la conclusion et à la signature de ce protocole, les hostilités entre les deux pays devront être suspendues, et des ordres à cet effet devront être donnés aussitôt que possible par chacun des deux Gouvernements aux commandants de ses forces de terre et de mer.

Fait à Washington, en double exemplaire, anglais et français, par les Soussignés qui y ont apposé leur signature et leur sceau, le 12 Août 1898.

[SEAL.] WILLIAM R. DAY
[SEAL.] JULES CAMBON

CORRESPONDENCE BETWEEN THE DEPARTMENT OF STATE AND THE EMBASSY OF FRANCE, AT WASHINGTON, AS REPRESENTING THE INTERESTS OF SPAIN.

Mr. Cambon to Mr. Sherman.

[Translation.]

EMBASSY OF THE FRENCH REPUBLIC,
Washington, April 22, 1898.

MR. SECRETARY OF STATE: I have the honor to inform you that before leaving Washington, and in fulfillment of the instructions of his Government, Mr. Polo de Bernabe confided to me and at the same time to the minister of Austria-Hungary the protection of Spanish subjects and interests in the United States.

With a view to simplifying in practice the accomplishment of the mission which our respective Governments have accepted, the minister of Austria-Hungary and I have made in common accord the following arrangements:

First. The archives of the Spanish legation in Washington will remain stored in the legation of Austria-Hungary.

Second. The care of the consular archives and the protection of Spanish interests will be confided to the consulates-general of Austria-Hungary in New York and Chicago and to the consulates of France in New Orleans, San Francisco, and Philadelphia.

Third. In those localities where only one of the two countries has a representative he will assume the protection of Spanish interests; in those places where the two countries are only represented by consular agents such protection will be exercised by the French agent.

Fourth. Questions the adjustment of which may necessitate representations to the Department of State will be dealt with either by the minister of Austria-Hungary or by me, accordingly as the Austrian or the French consul shall have had the initiative therein.

Fifth. In all other cases I shall charge myself alone with the steps to be taken with respect to the Government of the United States.

I to-day send instructions in this sense to the French consuls, and I will be grateful to you to be pleased to invite the competent authorities to extend to them, the case arising, all the needful facilities.

Be pleased to accept, etc.,

JULES CAMBON.

Mr. Sherman to Mr. Cambon.

No. 12.] DEPARTMENT OF STATE, *April 25, 1898.*

EXCELLENCY: I have the honor to acknowledge the receipt of your note of the 22d instant, whereby you inform me that Mr. Polo de Bernabe, before leaving Washington, and in fulfillment of the instructions of his Government, intrusted to you, and at the same time to the Austro-Hungarian minister, the protection of Spanish subjects and interests in the United States. To the end of simplifying in practice the accomplishment of this commission, which your respective Governments have accepted, you and the Austro-Hungarian minister have

agreed upon certain convenient arrangements, which you are pleased to communicate to me, as follows:

"First. The archives of the Spanish legation in Washington will remain stored in the legation of Austria-Hungary.

Second. The care of the consular archives and the protection of Spanish interests will be confided to the consulates-general of Austria-Hungary in New York and Chicago, and to the consulates of France in New Orleans, San Francisco, and Philadelphia.

Third. In those localities where only one of the two countries has a representative, he will assume the protection of Spanish interests; in those places where the two countries are only represented by consular agents, such protection will be exercised by the French agent.

Fourth. Questions the adjustment of which may necessitate representations to the Department of State will be dealt with either by the minister of Austria-Hungary or by me [the French Ambassador], accordingly as the Austrian or the French consul shall have had the initiative therein.

Fifth. In all other cases I shall charge myself [the French Ambassador] alone with the steps to be taken with respect to the Government of the United States."

In reply, I beg to inform you that the Government of the United States admits your friendly action in assuming charge of the protection of Spanish subjects and interests in the United States, and that the scheme which you and the Austro-Hungarian minister have devised for the practical division of the charge you have simultaneously assumed is provisionally accepted so long as experience shall show its convenience in practice. It is, of course, understood, in conformity with the international usage which obtains in circumstances like the present, that the arrangement contemplates only the friendly offices of yourself or of your esteemed colleague, as well as of the consular representatives of your respective nations, should occasion therefor arise, with regard to Spanish subjects and their interests actually within the jurisdiction of the United States, and embraces no representative office by either of you on behalf of the Government of Spain, between which and the Government of the United States a condition of war unhappily exists.

I shall communicate to the competent authorities copies of the notes thus addressed to me by yourself and the Austro-Hungarian minister, to the end that they may give all due heed to such representations as the agents of either country may feel called upon to make in behalf of Spanish subjects and interests in fulfilment of the friendly office of protection thus assumed and admitted. In order, however, that no confusion may exist as to the distribution of protective functions among the respective consulates, I beg that you will favor me with a list of the French consular officers who have been designated to act in the manner stated in your note.

Be pleased to accept, etc. JOHN SHERMAN.

Mr. Cambon to Mr. Day.

[Translation.]

EMBASSY OF THE FRENCH REPUBLIC,
Washington, April 26, 1898. (Received April 26, 8 p. m.)

MR. SECRETARY OF STATE: In your acknowledgment, dated April 25, of a note which I had the honor to address to you on the 22d of the same month, in regard to the steps which I had taken, in concert with the minister of Austria-Hungary, for the purpose of insuring the protection of Spanish subjects and interests in the United States,

which our Governments have simultaneously assumed, you were good enough to express to me the desire to receive the list of French consuls and consular agents designated to exercise such protection, under the conditions indicated in my above-mentioned note.

In order to comply with your request, I hasten to transmit to you, as an inclosure, the list of these agents, and I avail myself of this occasion to thank you for the instructions intended to facilitate their mission which you propose to issue to the competent authorities.

Pray accept, etc.,

JULES CAMBON.

[Inclosure in the French ambassador's note of April 26, 1898.]

List of French consular posts charged with the protection of Spanish interests.

Consulates.—New Orleans, San Francisco.
Vice-consulates.—Philadelphia, Galveston.
Consular agencies.—Cincinnati, Detroit, Kansas City, Louisville, St. Louis, St. Paul, Brownsville, Dallas, El Paso, San Antonio, Baltimore, Boston, Charleston, S. C., Norfolk, Portland, Me., Apalachicola, Baton Rouge, Birmingham, Mobile, Pensacola, Savannah, Los Angeles, Portland, Oreg., San Jose.

Mr. Thiébaut to Mr. Adee.

[Translation.]

EMBASSY OF FRANCE IN THE UNITED STATES,
Washington, April 27, 1898.

DEAR MR. ADEE: Referring to our conversation of day before yesterday, I have the honor to transmit to you herewith for your information copy of a telegram which the Ambassador has received from the agent of the steamer *Buena Ventura*, recently captured by the Federal squadron in the Gulf of Mexico:

LIVERPOOL, *April 24, 1898.*

Not being able to communicate with our *Buena Ventura*, notwithstanding all efforts made, we beg you to be pleased to indicate to us in what way we can do so. Families anxious.

LARRANAGA.

The Ambassador would be especially obliged to you if you could enable him to answer this telegram. News of the crew of this vessel might doubtless be obtained either from the Department of the Navy or the Treasury.

Be pleased to accept, etc., THIÉBAUT.

Mr. Adee to Mr. Thiébaut.

DEPARTMENT OF STATE, *April 28, 1898.*

MY DEAR MR. THIÉBAUT: In further acknowledgment of your personal note of yesterday, requesting permission, on behalf of the families and friends of the officers and crew of the steamer *Buena Ventura*, recently captured by the Federal squadron, to communicate with the

said officers and crew, I beg to inform you that I am now in receipt of a reply to my letter to the Attorney-General on the subject. Mr. Griggs states that the persons seized on the various vessels recently captured as prizes of war are now being harbored and protected at Key West Barracks, and that they are therefore at present in the custody and control of the War Department, but that he has directed the United States attorney for the southern district of Florida to cooperate with the officers of the War Department in permitting all proper communications from the respective families or friends to reach the officers and crew of the vessel in question.

In order to save any possible delay, I have, however, written the Secretary of War, requesting that the privilege you ask for the families and friends of the crew be granted, although I have little doubt that the instructions of the Attorney-General above referred to will have accomplished already the desired result.

I will again communicate with you on receiving any further information in the matter.

I am, etc., ALVEY A. ADEE.

Mr. Thiébaut to Mr. Adee.

WASHINGTON, *April 28, 1898.*

MY DEAR MR. ADEE: I hasten to acknowledge receipt of your personal note of to-day in which you inform me that the persons seized on the Spanish vessels recently captured by the Federal fleet are now in the custody and control of the War Department, at Key West Barracks, but that upon instructions of the Attorney-General, the United States attorney for the southern district of Florida will cooperate with military authorities in permitting all proper communications from families or friends to reach the officers and crew of the steamer *Buena Ventura.*

I have at once transmitted this information to the agent of the vessel in question at Liverpool.

I am directed by the ambassador to convey to you his thanks for your so courteous action in the matter, and I beg you to believe me, my dear Mr. Adee,

Most sincerely, yours, THIÉBAUT.

Memorandum from French Embassy.

Could the Department of State inform the French ambassador whether the Spanish schooner *Sofia* is among the number of vessels captured by the Federal fleet?

WASHINGTON, *April 29, 1898.*

Mr. Moore to Mr. Cambon.

No. 15.] DEPARTMENT OF STATE, *April 29, 1898.*

EXCELLENCY: I have the honor to acknowledge the receipt of your note of the 26th instant, transmitting a list of the French officers who have been intrusted with the protection of Spanish subjects and inter-

ests in the United States, and to inclose herewith for your information and use six printed copies of the correspondence which has passed between your Embassy, the Austro-Hungarian legation, and this Department on the subject.

Accept, etc.,

J. B. MOORE,
Acting Secretary.

[Inclosure.]

CORRESPONDENCE CONCERNING THE PROTECTION OF SPANISH SUBJECTS AND INTERESTS IN THE UNITED STATES BY THE DIPLOMATIC AND CONSULAR OFFICERS OF FRANCE AND AUSTRIA-HUNGARY.

The French ambassador to the Secretary of State.

[Translation.]

EMBASSY OF THE FRENCH REPUBLIC IN THE UNITED STATES,
Washington, April 22, 1898.

MR. SECRETARY OF STATE: I have the honor to inform you that before leaving Washington, and in fulfillment of the instructions of his Government, Mr. Polo y Bernabé confided to me and at the same time to the minister of Austria-Hungary the protection of Spanish subjects and interests in the United States.

With a view to simplify in practice the accomplishment of the mission which our respective Governments have accepted, the minister of Austria-Hungary and I have made in common accord the following arrangements:

First. The archives of the Spanish legation in Washington will remain stored in the legation of Austria-Hungary.

Second. The care of the consular archives and the protection of Spanish interests will be confided to the consulates-general of Austria-Hungary in New York and Chicago and the consulates of France in New Orleans, San Francisco, and Philadelphia.

Third. In those localities where only one of the two countries has a representative, he will assume the protection of Spanish interests; in those places where the two countries are only represented by consular agents, such protection will be exercised by the French agent.

Fourth. Questions the adjustment of which may necessitate representations to the Department of State will be dealt with either by the minister of Austria-Hungary or by me, accordingly as the Austrian or French consul shall have had the initiative therein.

Fifth. In all other cases I shall charge myself alone with the steps to be taken with respect to the Government of the United States.

I to-day send instructions in this sense to the French consuls, and I will be grateful to you to be pleased to invite the competent authorities to extend to them, the case arising, all the needful facilities.

Be pleased to accept, etc., JULES CAMBON.

The Austro-Hungarian minister to the Secretary of State.

[Translation.]

No. 1143.] IMPERIAL ROYAL AUSTRO-HUNGARIAN LEGATION,
Washington, April 22, 1898.

MR. SECRETARY OF STATE: I have the honor, Mr. Secretary of State, to inform you that Mr. Polo y Bernabé, in carrying out the directions of his Government with respect to his departure from Washington, has simultaneously intrusted to the French ambassador and myself the protection of Spanish subjects and interests in the United States.

In order to simplify in practice the carrying out of this commission, which our Governments have accepted, the French ambassador and I have agreed in common upon the following rules:

1. The archives of the Spanish legation in Washington will be left on deposit in the Austro-Hungarian legation.

2. The custody of the archives and the protection of Spanish interests in New York and Chicago will be intrusted to the local Austro-Hungarian consuls-general, and in New Orleans, Philadelphia, and San Francisco to the French consulates.

3. In those places where only one of the two countries has a representative, the latter will assume the protection of Spanish interests; in those places where both are represented only by consular agents, such protection will be exercised through the French agents.

4. Questions the settlement of which may call for representations to the Department of State will be acted upon either by the French ambassador or by me, accordingly as the initiative thereof shall have been taken through a French or an Austro-Hungarian consul.

5. In all other cases the French ambassador will take exclusive charge of the proceedings with the Government of the Union.

I to-day send the appropriate instructions to the Austro-Hungarian consulates, and I will be very grateful to you, Mr. Secretary of State, if you will be pleased to invite the competent authorities to extend to them, the case arising, the necessary assistance.

Accept, etc., HENGELMÜLLER.

The Secretary of State to the French ambassador.

No. 12.] DEPARTMENT OF STATE,
Washington, April 25, 1898.

EXCELLENCY: I have the honor to acknowledge the receipt of your note of the 22d instant, whereby you inform me that Mr. Polo de Bernabé, before leaving Washington and in fulfillment of the instructions of his Government, intrusted to you, and at the same time to the Austro-Hungarian minister, the protection of Spanish subjects and interests in the United States. To the end of simplifying in practice the accomplishment of this commission, which your respective governments have accepted, you and the Austro-Hungarian minister have agreed upon certain convenient arrangements, which you are pleased to communicate to me, as follows:

"First. The archives of the Spanish legation in Washington will remain stored in the legation of Austria-Hungary.

"Second. The care of the consular archives and the protection of Spanish interests will be confided to the consulates-general of Austria-Hungary in New York and Chicago, and to the consulates of France in New Orleans, San Francisco, and Philadelphia.

"Third. In those localities where only one of the two countries has a representative, he will assume the protection of Spanish interests; in those places where the two countries are only represented by consular agents, such protection will be exercised by the French agent.

"Fourth. Questions, the adjustment of which may necessitate representations to the Department of State, will be dealt with either by the minister of Austria-Hungary or by me [the French ambassador], accordingly as the Austrian or the French consul shall have had the initiative therein.

"Fifth. In all other cases I shall charge myself [the French ambassador] alone with the steps to be taken with respect to the Government of the United States."

In reply, I beg to inform you that the Government of the United States admits your friendly action in assuming charge of the protection of Spanish subjects and interests in the United States, and that the scheme which you and the Austro-Hungarian minister have devised for the practical division of the charge you have simultaneously assumed is provisionally accepted so long as experience shall show its convenience in practice. It is, of course, understood, in conformity with the international usage which obtains in circumstances like the present, that the arrangement contemplates only the friendly offices of yourself or of your esteemed colleague, as well as of the consular representatives of your respective nations, should occasion therefor arise, with regard to Spanish subjects and their interests actually within the jurisdiction of the United States, and embraces no representative office by either of you on behalf of the Government of Spain, between which and the Government of the United States a condition of war unhappily exists.

I shall communicate to the competent authorities copies of the notes thus addressed to me by yourself and the Austro-Hungarian minister, to the end that they may give all due heed to such representations as the agents of either country may feel called upon to make in behalf of Spanish subjects and interests in fulfillment of the friendly office of protection thus assumed and admitted. In order, however, that no confusion may exist as to the distribution of protective functions among the respective consulates, I beg that you will favor me with a list of the French consular officers who have been designated to act in the manner stated in your note.

Be pleased to accept, etc.,

JOHN SHERMAN.

The Secretary of State to the Austro-Hungarian Minister.

No. 218.] DEPARTMENT OF STATE,
Washington, April 25, 1898.

SIR: I have the honor to acknowledge the receipt of your note of the 22d instant, whereby you inform me that Mr. Polo de Bernabé, before leaving Washington and in fulfillment of the instructions of his Government, intrusted to you, and at the same time to the French ambassador, the protection of Spanish subjects and interests in the United States. To the end of simplifying in practice the accomplishment of this commission, which your respective Governments have accepted, you and the French ambassador have agreed upon certain convenient arrangements which you are pleased to communicate to me, as follows:

"First. The archives of the Spanish legation in Washington will be left on deposit in the Austro-Hungarian legation.

"Second. The custody of the archives and the protection of Spanish interests in New York and Chicago will be intrusted to the local Austro-Hungarian consuls-general, and in New Orleans, Philadelphia, and San Francisco to the French consulates.

"Third. In those places where only one of the two countries has a representative, the latter will assume the protection of Spanish interests; in those places where both are represented only by consular agents, such protection will be exercised through the French agents.

"Fourth. Questions, the settlement of which may call for representations to the Department of State, will be acted upon either by the French ambassador or by me [the Austro-Hungarian minister], accordingly as the initiative thereof shall have been taken through a French or an Austro-Hungarian consul.

"Fifth. In all other cases the French ambassador will take exclusive charge of the proceedings with the Government of the Union."

In reply, I beg to inform you that the Government of the United States admits your friendly action in assuming charge of the protection of Spanish subjects and interests in the United States, and that the scheme which you and the French ambassador have devised for the practical division of the charge you have simultaneously assumed is provisionally accepted so long as experience shall show its convenience in practice. It is, of course, understood, in conformity with the international usage which obtains in circumstances like the present, that the arrangement contemplates only the friendly offices of yourself or of your esteemed colleague, as well as of the consular representatives of your respective nations, should occasion therefor arise, with regard to Spanish subjects and their interests actually within the jurisdiction of the United States, and embraces no representative office by either of you on behalf of the Government of Spain, between which and the Government of the United States a condition of war unhappily exists.

I shall communicate to the competent authorities copies of notes thus addressed to me by yourself and the French ambassador, to the end that they may give all due heed to such representations as the agents of either country may feel called upon to make in behalf of Spanish subjects and interests, in fulfillment of the friendly office of protection thus assumed and admitted. In order, however, that no confusion may exist as to the distribution of protective functions among the respective consulates, I beg that you will favor me with a list of the Austro-Hungarian consular officers who have been designated to act in the manner stated in your note.

Be pleased to accept, etc.,

JOHN SHERMAN.

The French Ambassador to the Secretary of State.

[Translation.]

EMBASSY OF THE FRENCH REPUBLIC IN THE UNITED STATES,
Washington, April 26, 1898.

MR. SECRETARY OF STATE: In your acknowledgment, dated April 25, of a note which I had the honor to address to you on the 22d of the same month, in regard to the steps which I had taken, in concert with the minister of Austria-Hungary, for the purpose of insuring the protection of Spanish subjects and interests in the United States, which our Governments have simultaneously assumed, you were good enough to express to me the desire to receive the list of French consuls and consular agents designated to exercise such protection, under the conditions indicated in my above-mentioned note.

In order to comply with your request, I hasten to transmit to you, as an inclosure, the list of these agents, and I avail myself of this occasion to thank you for the

instructions intended to facilitate their mission which you propose to issue to the competent authorities.

Pray accept, etc., JULES CAMBON.

[Inclosure.]

List of French consular posts charged with the protection of Spanish interests.

Consulates.—New Orleans, San Francisco.

Vice-consulates.—Philadelphia, Galveston.

Consular agencies.—Cincinnati, Detroit, Kansas City, Louisville, St. Louis, St. Paul, Brownsville, Dallas, El Paso, San Antonio, Baltimore, Boston; Charleston, S. C.; Norfolk; Portland, Me.; Apalachicola, Baton Rouge, Birmingham, Mobile, Pensacola, Savannah, Los Angeles; Portland, Oreg.; San José.

The Austro-Hungarian minister to the Secretary of State.

[Translation.]

No. 1185.] IMPERIAL AND ROYAL AUSTRO-HUNGARIAN LEGATION,
Washington, April 26, 1898.

MR. SECRETARY OF STATE: I have the honor to acknowledge the receipt of your note No. 218, of April 25 instant, and in compliance with the desire expressed therein to advise you, Mr. Secretary of State, that, in addition to the Austro-Hungarian consulates-general in New York and Chicago, the imperial and royal consulates at Pittsburg, Pa., and Richmond, Va., at which places the French Government maintains no consular representation, have been intrusted with the protection of Spanish subjects.

The list of names of the Austro-Hungarian officers thus called to the exercise of this friendly protection is:

New York, Consul-General Franz Stockinger;
Chicago, Consul Max von Proskowetz;
Pittsburg, Consul Thomas von Dessewffy;
Richmond, Consul Christof. Borchers.

Accept, etc., HENGELMÜLLER.

Mr. Moore to Mr. Cambon.

No. 16.] DEPARTMENT OF STATE, *May 3, 1898.*

EXCELLENCY: I have the honor to communicate to you for your information copies of notes just exchanged with the Mexican minister at this capital in relation to extending, at the request of the Spanish minister in Mexico, friendly protection in case of need to Spanish interests at Laredo, Tex., and Nogales, Ariz., through the Mexican consuls in those cities.

Be pleased to accept, etc.,

J. B. MOORE, *Acting Secretary.*

[Inclosure.—Translation.]

Mr. Romero to Mr. Moore.

MEXICAN LEGATION,
Washington, May 2, 1898.

MR. ACTING SECRETARY: I have the honor to inform you that the Government of Mexico has advised me by telegraph that at the request of the Spanish minister in Mexico, and for the reason that there is no other than a Mexican consul in Laredo, Tex., and Nogales, Ariz., those consuls have been authorized to protect Spanish interests.

The Mexican Government accordingly gives me instructions to communicate this fact to you, and in so doing I have the honor to state to you that I have spoken in regard to the matter with the ambassador of France in Washington, who I understand has charge of the protection of Spanish interests in the United States, and if the case arises I shall proceed in accord with him.

Be pleased to accept, etc.,

M. ROMERO.

[Inclosure 2.]

Mr. Moore to Mr. Romero.

No. 333.] WASHINGTON, *May 3, 1898.*

SIR: I have the honor to acknowledge the receipt of your note of the 2d instant relative to the authorization given by the Mexican Government to the Mexican consuls at Laredo, Tex., and Nogales, Ariz., to protect Spanish interests in their respective localities, this step having been taken at the instance of the Spanish minister in Mexico, inasmuch as there are in those places no consuls of any other nation.

You state that you have spoken in regard to this matter with the French ambassador, who, you understand, is charged with the protection of Spanish interests in the United States and will proceed in accord with him should a case arise. As you will perceive by the inclosed copy of recent correspondence with the representatives of France and Austria-Hungary in this capital, you are right as to Mr. Cambon's announcement that in all cases other than those originating through a French or Austro-Hungarian consulate he will charge himself alone with any matters of Spanish protection involving representations to the Government of the United States.

I presume you will have arranged with Mr. Cambon so that any question affecting Spanish interests in the United States which may arise at Laredo or Nogales may, if the case require, take the regular course so agreed upon.

The State and Treasury authorities at those two points will be advised of the permission which your Government has given to the Mexican consuls there.

Be pleased to accept, etc.,

J. B. MOORE, *Acting Secretary.*

(Inclosure: Printed correspondence as above.)

Mr. Cambon to Mr. Moore.

[Translation.]

EMBASSY OF THE FRENCH REPUBLIC,
Washington, May 4, 1898.

MR. SECRETARY OF STATE: In reply to your communication of the 3d of this month, I have the honor to inform you that the Mexican minister has made known to me that his Government has, at the request of the cabinet of Madrid, consented to commit to the Mexican consuls the protection of Spanish subjects and interests at Nogales (Arizona) and at Laredo (Texas), where neither France nor Austria are represented.

For the purpose of preserving the arrangement which the minister of Austria-Hungary and I have adopted for the protection of the Spanish interests in the United States, and with which our communications dated 22d of April last acquainted your honorable predecessor, it has been agreed between Mr. Romero and myself that such correspondence relative to Spanish affairs as he might receive from the Mexican consuls at Nogales and Laredo would be turned over by him to me, and I would give them such action as might be expedient.

Accept, Mr. Secretary, etc.,

JULES CAMBON.

[Personal.]

Mr. Moore to Mr. Cambon.

DEPARTMENT OF STATE, *May 4, 1898.*

MY DEAR MR. THIEBAUT: Referring to previous correspondence relative to measures for permitting all proper communications from families or friends to reach the officers and crew of the steamer *Buena Ventura*, I beg to inform you that the Department has received a letter from the Secretary of War stating that the proper military officers will be directed to cooperate with the United States attorney for the southern district of Florida in permitting all proper communications from families and friends to reach the officers and crew of the vessel in question, subject to such restrictions as it may be deemed proper to impose.

I am, etc.,

J. B. MOORE.

Mr. Day to Mr. Cambon.

No. 19.] DEPARTMENT OF STATE, *May 7, 1898.*

EXCELLENCY: Referring to the memorandum left at this Department on the 29th ultimo by the secretary of the French embassy on your behalf, inquiring whether the Spanish schooner *Sofia* was among the number of the vessels captured by the Federal fleet, I have the honor to inform you that I am advised by the Secretary of the Navy that the *Sofia* was captured by the United States torpedo boat *Porter* off the northern coast of Cuba on the morning of April 24.

Accept, etc.,

WILLIAM R. DAY.

[Personal.]

Mr. Adee to Mr. Thiebaut.

DEPARTMENT OF STATE, *May 7, 1898.*

MY DEAR MR. THIEBAUT: With further reference to your personal note to me of the 27th ultimo, I beg to inform you that if the owners of the captured steamer *Buena Ventura* desire to correspond with her officers and crew the Secretary of the Navy suggests that if communications, open for inspection, be sent to the commandant of the United States naval station at Key West there would probably be no objection to their delivery, provided the contents of the communications do not render such action inadvisable.

Very truly, yours, ALVEY A. ADEE.

Mr. Day to Mr. Cambon.

No. 22.] DEPARTMENT OF STATE, *May 10, 1898.*

EXCELLENCY: Referring to previous correspondence relative to the protection of Spanish subjects and interests by the Mexican consuls at Laredo, Tex., and Nogales, Ariz., I have the honor to acknowledge the

receipt of your note of the 4th instant, stating that the Mexican minister at this capital has agreed with you to let the French embassy act upon such correspondence of the said Mexican consuls as may bear on the subject.

Accept, etc., WILLIAM R. DAY.

Mr. Cambon to Mr. Day.

[Translation.]

FRENCH EMBASSY, *May 17, 1898.*

MR. SECRETARY OF STATE: The wife of Commander Guevedo, captain of the Spanish packet boat *Panama*, captured by the Federal fleet and now actually detained at Key West, solicits my Government to obtain for her authority to correspond with her husband, about whom she is without news.

Likewise, the minister of colonies informs me of the desire, which has been expressed to him by interested families, to have news of the health and situation of the crew of this boat. I should be greatly obliged to you to be able to authorize the commander to address to his family and to receive from it, through the medium of this embassy, open correspondence, and to be able to accord the same favors which were extended to the crew of the *Buena Ventura*.

I recommend likewise to the kind consideration of the Department of State the request of the families of the crew and of the passengers of the *Panama*, begging it to put me, if possible, in a situation to reply to the proper requests made by them.

Be pleased to accept, etc., JULES CAMBON.

Mr. Day to Mr. Cambon.

No. 27.] WASHINGTON, *May 18, 1898.*

EXCELLENCY: Acknowledging the receipt of your note of yesterday's date, asking that permission be accorded the captain and crew of the Spanish vessel *Panama* to correspond, through the medium of your embassy, with their families, who are anxious to learn of their welfare, I have the honor to state that copy of your note was at once communicated to the proper departments of this Government, with the request that, if possible, the permission you ask be granted. Upon being informed of the decision reached in the matter I shall be pleased to immediately advise you.

WILLIAM R. DAY.

Mr. Day to Mr. Cambon.

No. 31.] WASHINGTON, *May 31, 1898.*

EXCELLENCY: With reference to the inquiries as to the situation of the master and crew of the captured Spanish steamer *Panama*, I have the honor to inform you that instructions have been sent to the authorities of the United States at Key West to transmit to the proper

authorities of the United States in this capital any open letters addressed by the officers and crew of the steamer in question to their families, to the end that such letters may be forwarded to their destination through your embassy.

Accept, etc., WILLIAM R. DAY.

Mr. Day to Mr. Cambon.

No. 33.] DEPARTMENT OF STATE, *June 9, 1898.*

EXCELLENCY: With reference to your inquiries in relation to the Spanish subject, Mr. Jiminez Zapatero, who is reported in Madrid to be held in the United States as a spy, I have the honor to inform you that I am advised by the Navy Department that a prisoner captured on the *Panama*, and supposed to be the person to whom your excelleney's inquiries refer, has been sent north on the U. S. S. *Cincinnati* and is now at Fort Monroe. It appears that when the *Panama* was captured he had in his possession a lot of coast charts, which he threw overboard; that he had in his trunk epaulets and a sword, and that he admitted having been some years ago an officer in the Spanish navy. The evidence therefore indicated that he was a military person; and he was sent to Fort Monroe merely as a prisoner of war, and not as a spy. Orders were given to furnish him with accommodations and to treat him according to the rank that he should claim. On his arrival at Fort Monroe he gave the name of F. J. Jiminez, but refused to make any further statement. In consequence he is now held as a private.

Accept, etc.,

WILLIAM R. DAY.

Mr. Day to Mr. Cambon.

No. 34.] DEPARTMENT OF STATE, *June 20, 1898.*

EXCELLENCY: I have just received a communication from my colleague the Attorney-General, in which he asks for information as to the consular officers to whom Spanish subjects at Key West who have been seized on prizes, or who have been paroled as prisoners of war, should be delivered.

I shall be greatly obliged to your excellency if you will be so good as to enable me to answer the inquiry of the Attorney-General.

Accept, etc.

WILLIAM R. DAY.

Mr. Day to Mr. Cambon.

No. 37.] DEPARTMENT OF STATE, *June 24, 1898.*

EXCELLENCY: With reference to my note of the 20th instant, in relation to the disposition of certain Spanish subjects taken on vessels captured as prizes, I have the honor to inform you that the Department has just received from the Attorney-General a further communication on the subject.

By this communication it appears that it is the intention of the United States authorities at Key West to send the prisoners in question on the steamers *Catalina* and *Jover* to Spain, if those steamers shall return to that country; but that, if appeal bonds should not be given, the steamers would then be sent to New York, and carry the prisoners to that port. It is stated that at least one hundred of them have families in Cuba and do not wish to go to Spain, and that something must be done to provide for them if they are detained beyond the sailing of the vessels on the 27th of the present month.

In view of these circumstances it seems desirable that some definite arrangement should immediately be made for the transportation of the prisoners in question from the United States.

With reference to the question raised as to the safety of the prisoners on their way to any place of embarkation, the Attorney-General states that he will give suitable instructions for their subsistence and protection on their way to or in charge of any consular officer to a place of departure.

Accept, etc., WILLIAM R. DAY.

Mr. Cambon to Mr. Day.

EMBASSY OF THE FRENCH REPUBLIC,
Washington, June 25, 1898.

MR. SECRETARY OF STATE: In reply to the note which you did me the honor to address to me on the 24th instant, relative to the repatriation of the Spaniards who have been taken prisoners on board of the vessels captured as prizes since the beginning of the war, I have the honor to inform you that I think, as you do, that it is desirable that a final arrangement should be concluded as speedily as possible.

But before taking the measures necessary to this end, allow me to call your attention to the fact that the information which you were pleased to communicate to me by your aforesaid note is still incomplete. You state that a certain number of prisoners whose families are in Cuba do not desire to be sent back to Spain, but you do not give the number of those who are to be sent to Europe on board of the steamers *Catalina* and *Jover*, or taken to New York by said vessels. Now, this number is indispensable to enable me to ask of the Spanish Government an appropriation sufficient for the repatriation of these prisoners.

I have, moreover, reason to infer from your note that the steamers *Catalina* and *Jover* will sail direct from Key West to Spain, if security is given in case an appeal should be taken from the decision which has released them, and that, in the contrary case, they will not take the prisoners farther than New York. No decision can therefore be reached until it is known whether this security has been furnished, and yet you likewise inform me that these vessels are to sail on the 27th instant—that is to say, day after to-morrow—which would, indeed, allow us too little time to settle these different questions.

I feel that I must thank you and the Attorney-General for all the measures that you have taken, and that you will be pleased to take hereafter, in order to secure the subsistence and safety of these prisoners.

Be pleased to accept, etc.,

JULES CAMBON.

Mr. Moore to Mr. Cambon.

No. 40.] DEPARTMENT OF STATE,
WASHINGTON, *June 27, 1898.*

EXCELLENCY: With reference to your note of the 25th instant, in relation to the return of the crews of Spanish ships captured as prizes, I have the honor to inclose herewith a copy of a telegram received by the Attorney-General from the United States marshal at Key West, giving the names of the persons composing the crews in question.

The Department has transmitted to the Attorney-General the request made in your note of the 25th instant, for more definite information as to the destination of the persons who are to be sent away.

Accept, etc.,

J. B. MOORE, *Acting Secretary.*

Mr. Moore to Mr. Cambon.

DEPARTMENT OF STATE, *June 29, 1898.*

EXCELLENCY: With reference to previous correspondence in relation to the removal from the United States of the crews of the Spanish prize vessels at Key West, I have the honor to say that I am just advised by the Attorney-General that the vessels *Catalina* and *Miguel Jorer* are to remain in the custody of the United States marshal pending an appeal which has been taken to the Supreme Court of the United States, and that it will consequently be necessary to provide for the transportation of the Spanish subjects in question by some other means.

The Attorney-General is advised by the United States marshal at Key West that 284 of the men desire to be sent to Spain, 22 to the Canary Islands, 52 either to Cuba or to Mexico, and 21 to England. There are 11 as to whose wishes no information has been obtained.

The Attorney-General desires to be advised as to whether the information which he has now been able to furnish will be sufficient for the purpose of making arrangements for the transportion of the men in question.

Accept, etc.,

J. B. MOORE, *Acting Secretary.*

Mr. Moore to Mr. Cambon.

No. 42.] DEPARTMENT OF STATE, *June 30, 1898.*

EXCELLENCY: With reference to previous correspondence as to the disposition of the crews of prizes at Key West, I now have the honor to say that this Government will attend to their transportation from Key West to New York, and that it is hoped that you may be able soon to arrange for their transportation from the United States at that point.

Accept, etc.,

J. B. MOORE.

Mr. Cambon to Mr. Day.

[Translation.]

FRENCH EMBASSY,
Washington, July 1, 1898. (Received July 2, 3.38 p. m.)

MR. SECRETARY OF STATE: I have the honor to acknowledge the receipt of your letters dated the 27th, 29th, and 30th of last month, relative to the prisoners coming from Spanish captured vessels and whom the Federal Government has decided to send away from the territory of the Union.

I have hastened to inform my Government that the Federal authority will take charge of transporting these 400 men from Key West to New York, whence they will be dispatched to their respective destinations through the care of the consul-general of Austria-Hungary, to whom the protection of Spanish interests in that port is intrusted. I have, at the same time, begged the minister for foreign affairs to ask the Madrid cabinet to send with urgency to the consul-general of Austria the necessary instructions and funds.

Be pleased to accept, etc. JULES CAMBON.

Mr. Day to Mr. Cambon.

DEPARTMENT OF STATE,
No. 46.] *Washington, July 8, 1898.*

EXCELLENCY: With reference to previous correspondence on the subject of the transportation from this country of Spanish subjects taken on board of prizes of war, I have the honor to inclose herewith a copy of a letter of the 30th ultimo from Messrs. C. B. Richard & Co., of New York, to the Assistant Secretary of War, in which it is stated that the steamer *Trojan Prince*, which is to sail from New York on the 12th, will stop at Gibraltar if a sufficient number of Spanish passengers should be obtained to warrant her stopping at that port. I transmit to you a copy of the letter simply with the view that the suggestions which it contains possibly may facilitate the making of arrangements for the transportation of the Spanish subjects in question.

Accept, etc.,

WILLIAM R. DAY.

Mr. Cambon to Mr. Day.

[Translation.]

FRENCH EMBASSY, *July 9, 1898.*

MR. SECRETARY OF STATE: Referring to your previous correspondence upon the same subject, you have been good enough by letter of the 8th of this month to inform me that the steamship *Trojan Prince*, which will leave New York the 12th of July for Naples, will be able to receive the officers and crews of the Spanish boats which have been captured and to land them at Gibraltar at the price of $55 for cabin accommodation and $22 for steerage.

I have the honor to inform you that I have at once forwarded this information to the minister of foreign affairs at Paris with the request that he should make it known to the cabinet of Madrid, to the end that a proper credit should be immediately opened for the consul-general of Austria at New York.

Be pleased to accept, etc.,

CAMBON.

Mr. Cambon to Mr. Day.

[Translation.]

EMBASSY OF THE FRENCH REPUBLIC,
Washington, July 12, 1898.

The Ambassador of France has the honor to inform the Secretary of State of the United States that he received yesterday, through the War Department at Washington, a telegram from Havana, whereby Captain-General Blanco expresses a desire to receive a detailed official list of the Spanish officers who were taken prisoners after the naval battle which was fought off Santiago de Cuba between Admiral Cervera's squadron and the Federal squadron.

Furthermore, at the request of the Spanish Government, the department of foreign affairs at Paris has requested the Ambassador of France to send it a list of the dead, wounded, and survivors of Admiral Cervera's squadron. As the crew lists were probably lost with the vessels, it is to be presumed that an exact list of the dead can not be prepared here; that of the survivors will, however, doubtless suffice to enable the Spanish authorities to prepare a list of those who have disappeared.

This information being intended for the families of the persons concerned, who are naturally anxious to be informed as to their fate, the Ambassador of France will be grateful to the Secretary of State if he will have the kindness to send him, as speedily as possible, a list of the Spanish officers, noncommissioned officers, and seamen who have been made prisoners, together with a statement of the vessels to which they respectively belonged, and also one of the localities where they are held or of the hospitals where they are being treated.

Mr. Jules Cambon avails himself of this occasion to renew to Mr. W. R. Day the assurances of his highest consideration.

Mr. Cambon to Mr. Day.

EMBASSY OF THE FRENCH REPUBLIC
Washington, July 12, 1898.

The Ambassador of France has the honor, by order of his Government, to inform the Secretary of State of the United States that the families of the Spanish officers and seamen who have been made prisoners desire to send them some money. As the interested parties are unable to do this by means of postal money orders, owing to the suspension of the postal service between the United States and Spain, the Ambassador of France would be glad to know how, in the opinion of the Federal authorities, money may be sent to the officers and seamen in question.

Mr. J. Cambon avails himself of this occasion to renew to Mr. W. R. Day the assurances of his highest consideration.

Mr. Day to Mr. Cambon.

DEPARTMENT OF STATE,
Washington, July 13, 1898.

The Secretary of State of the United States has the honor to acknowledge the receipt of the note of the Ambassador of France of the 12th instant, in which inquiry is made as to the means by which the families of Spanish officers and seamen who have been made prisoners of war may be enabled to send them money. The Secretary of State ventures to suggest that perhaps the best way of dealing with the matter would be to have the money sent to Paris, and from Paris to the Ambassador of France in Washington, by whom it might be delivered to this Department and sent to its proper destination.

Mr. Wm. R. Day avails himself of this occasion to renew to Mr. J. Cambon the assurances of his highest consideration.

Mr. Day to Mr. Cambon.

DEPARTMENT OF STATE,
Washington, July 13, 1898.

The Secretary of State of the United States, with reference to the request of the Ambassador of France of the 12th instant for information as to the Spanish officers who were taken prisoners by the United States fleet off Santiago de Cuba, and as to the Spanish dead and wounded in that engagement, has the honor to inclose herewith a copy which he has just received of a list of the Spanish prisoners brought north on board the U. S. S. *St. Louis*. This list of survivors contains all the information which the Navy Department is at the moment able to afford as to the officers and crews of the Spanish ships in question. The Department will take pleasure in communicating to the Ambassador of France any other information that may be obtained on the subject.

Mr. W. R. Day avails himself of this occasion to renew to Mr. J. Cambon the assurances of his highest consideration.

Mr. Day to Mr. Cambon.

DEPARTMENT OF STATE,
Washington, July 13, 1898.

The Secretary of State of the United States has the honor to inclose herewith to the Ambassador of France a copy of a letter of the 9th instant, addressed by Admiral Cervera to Captain Goodrich, of the U. S. S. *Saint Louis*, as to the treatment of the Spanish prisoners on board of that ship.

Mr. W. R. Day has the honor to renew to Mr. J. Cambon the assurances of his highest consideration.

Capt. CASPER F. GOODRICH,
U. S. M. S. St. Louis.

MY DEAR SIR: I have the greatest pleasure in acknowledging by the present, in my own name and also in that of all captains and officers actually on board this ship, that we consider ourselves under the greatest obligation to you for the many

kindness and excellent treatment which you and all the officers under your command have shown to us during this passage. I must also mention the careful and most valuable medical assistance which has been given to our wounded and sick men; your kind feelings are gone as far in this respect as to order them to be put in one of the saloons of the ship, in order to provide more effectually to their comfort.

I know nothing which does not agree with what I have just written; the case of D. Enrique Capriles being wholly unknown to me, since neither you nor him have spoken me about.

I thank you again for the delicate and manifold acts of kindness through which you have endeavored to alleviate the sore burden of our great misfortune. I assure you that I shall never forget them, and I am, sir,

Your most obedient servant, PASCUAL CERVERA.

AT SEA, *July 9, 1898.*

Mr. Cambon to Mr. Day.

[Translation.]

FRENCH EMBASSY,
Washington, July 14, 1898.

The Ambassador of France has the honor to inform the Secretary of State of the United States that he has been requested to furnish news of the Spanish second lieutenant ("l'enseigne de vaisseau") Arderius, aid-de-camp of Commodore Villamil, who was wounded during the naval combat of Santiago, and who is reported to be at present under treatment upon the hospital ship *Solace*. The Ambassador of France would be pleased were the competent Federal authorities invited to supply to this officer the money of which he may stand in need. These advances will be immediately reimbursed by the "Credit Lyonnais," which has given the necessary orders to this end to its agent at New York.

Mr. Cambon avails himself of this occasion to renew to Mr. Day the assurances of his highest consideration.

Mr. Day to Mr. Cambon.

DEPARTMENT OF STATE,
No. 54.] WASHINGTON, *July 19, 1898.*

EXCELLENCY: Referring to your note of the 14th instant, requesting that any sum of money needed by the Spanish second lieutenant Arderius, aid-de-camp of Admiral Villamil, now under treatment on board the U. S. S. *Solace*, be advanced to him by the United States authorities, I have the honor to inform you that the Department has received a letter from the Acting Secretary of the Navy stating that instructions have been given to the commanding officer of the *Solace* to comply with your request.

Accept, etc.,

WILLIAM R. DAY.

Mr. Day to Mr. Cambon.

No. 55.] DEPARTMENT OF STATE, *July 20, 1898.*

EXCELLENCY: With reference to previous correspondence in relation to the case of Mr. Jiminez Zapatero, the Spanish subject who was captured on the steamer *Panama* while having in his possession the evi-

dences of his being in the military service of Spain, I have the honor to inform you that I am advised by the Secretary of War that it has been decided, after a full investigation, that the Spanish subject in question is properly held as a prisoner of war.

He will receive during his detention the consideration and treatment due to an officer.

Accept, etc., WILLIAM R. DAY.

Mr. Moore to Mr. Cambon.

DEPARTMENT OF STATE,
No. 58.] WASHINGTON, *July 23, 1898.*

EXCELLENCY: I have the honor to inclose herewith a copy, furnished by the Secretary of the Navy, of the muster roll of the Spanish prisoners of war brought from Cuba to the United States by the U. S. S. *Harvard.*

Accept, etc.,

J. B. MOORE, *Acting Secretary.*

Mr. Moore to Mr. Cambon.

No. 59.] DEPARTMENT OF STATE, *July 23, 1898.*

EXCELLENCY: I have the honor to inclose herewith, at the request of the Secretary of the Navy, an original report made by Rear-Admiral Cervera to the minister of marine at Madrid concerning the battle of July 3, off Santiago de Cuba.

Accept, etc.,

J. B. MOORE, *Acting Secretary.*

Mr. Cambon to Mr. Day.

[Translation.]

EMBASSY OF THE FRENCH REPUBLIC,
Washington, July 25, 1898.

MR. SECRETARY OF STATE: I am informed that the Spanish sailing vessel *Amapala*, on her way to Mexico from Havana, had, by reason of bad weather, to take shelter at Tampa, where she was held as a prize.

The situation of the passengers landed at Tampa will attract the attention of the Federal Government, which will undoubtedly be of opinion that they must be transported to Mexico by some means similar to those previously adopted in the case of the crews and passengers of vessels captured by the Navy of the United States.

However, in view of the vis major circumstances which led the *Amapala* to seek a shelter in the harbor of Tampa, I am fain to believe that the Federal Government will not consider that vessel as a prize taken in consequence of an act of war, but will allow her to proceed on her voyage, as other governments have generously decided under similar circumstances.

Be pleased to accept, etc., JULES CAMBON.

Mr. Day to Mr. Cambon.

DEPARTMENT OF STATE,
No. 65.] WASHINGTON, *July 27, 1898.*

EXCELLENCY: Referring to your note of the 14th instant, requesting that any sum of money needed by Lieutenant Arderius, aide-de-camp of Admiral Villamil, be advanced to him by the United States authorities, the Credit Lyonnais having given the necessary instructions to its agent at New York to reimburse the Government, I have now the honor to inform you that the Secretary of the Navy, to whom I communicated a copy of your note, has received its return from the naval hospital at Norfolk, Va., where Lieutenant Arderius is now having medical attention, with the following indorsement:

Lieutenant Arderius thanks the Ambassador of France and begs to say that he does not require any money at present, as his funds are sufficient for all purposes.

C. J. CLEBORNE,
Medical Director, U. S. N.

Accept, etc.,

WILLIAM R. DAY.

Mr. Day to Mr. Cambon.

No. 66.] DEPARTMENT OF STATE, *July 28, 1898.*

EXCELLENCY: I have the honor to acknowledge the receipt of your note of the 25th instant, relative to the case of the Spanish sailing vessel *Amapala*, said to be held as a prize at Tampa, and to inform you in reply that the matter in question is receiving the attention of this Government.

Accept, etc., WM. R. DAY.

Mr. Cambon to Mr. Day.

EMBASSY OF THE FRENCH REPUBLIC,
Washington, July 28, 1898.

MR. SECRETARY OF STATE: The consul of France at San Juan de Porto Rico telegraphs me that at the joint request of the consuls the captain-general has recognized, in writing, the neutrality of a point selected outside of the city where the foreigners have taken refuge.

Our consul adds that as soon the Federal vanguard shall make its appearance he intends to notify the general commanding the American army of this humane arrangement.

I have the honor to bring this fact to your knowledge in order that you may be able to send General Miles such instructions as you may think proper.

Be pleased to accept, etc., JULES CAMBON.

Mr. Moore to Mr. Cambon.

No. 68.] DEPARTMENT OF STATE, *July 30, 1898.*

EXCELLENCY: As I had the honor to inform you by my note of the 28th instant, I communicated on that day to the Attorney-General a copy of yours of July 25, in relation to the Spanish sailing vessel *Amapala*.

I am now advised by the Acting Attorney-General that the United States attorney for the southern district of Florida has been instructed to forward to his Department the prize master's report, together with the facts and circumstances attending the capture and detention of the vessel, and to furnish his opinion as to the propriety of pursuing the course indicated by you.

Accept, etc., J. B. MOORE.

Mr. Day to Mr. Cambon.

No. 69.] DEPARTMENT OF STATE, *August 2, 1898.*

EXCELLENCY: I have the honor to acknowledge the receipt of your note of the 28th ultimo by which you advise me that the consul of France at San Juan, Porto Rico, has telegraphed you that at the joint request of the consuls, the Captain-General has recognized in writing the neutrality of a place outside the city where foreigners have taken refuge, and that as soon as the United States forces make their appearance a notification of this humane arrangement will be given to the general in command. This fact you state you bring to my knowledge in order that such instructions may be sent to General Miles as may be thought proper.

I have accordingly communicated a copy of your note to the Secretary of War.

Accept, etc., WILLIAM R. DAY.

Mr. Day to Mr. Cambon.

No. 74.] DEPARTMENT OF STATE, *August 4, 1898.*

EXCELLENCY: With further reference to your note of the 25th ultimo, in relation to the Spanish brig *Amapala*, I have the honor to inform you that I am just in receipt of a letter from my colleague, the Attorney-General, inclosing a copy of a report of the United States district attorney at Jacksonville, Fla., on the case in question.

By the report of the district attorney it appears that the statement made to your excellency by the parties in interest that the *Amapala* was compelled by bad weather to seek shelter at Tampa, is wholly incorrect. The evidence taken in preparatorio discloses the fact that the brig was captured off Havana while flying the colors of the Republic of Honduras and attempting to run the blockade. The brig has accordingly been condemned and ordered to be sold.

It appears that there is no desire on the part of the authorities of the United States to detain the passengers who were on board of the brig at the time of the capture. It is thought, however, that this Government is not under any obligation to provide them with the means of transportation, especially as the devices resorted to by the brig for the purpose of escaping lawful capture must have been known to those on board.

Accept, etc., WILLIAM R. DAY.

Mr. Day to Mr. Cambon.

No. 81.] DEPARTMENT OF STATE, *August 6, 1898.*

EXCELLENCY: Referring to your note of the 28th ultimo advising me that at the request of the consuls the captain-general of Porto Rico had recognized, in writing, the neutrality of a point outside the city of San Juan for the refuge of foreigners, I have the honor to inform you that the Secretary of War has telegraphed General Miles so far as practicable to recognize this arrangement.

Accept, etc., WILLIAM R. DAY.

[On August 12, 1898, there was signed by the Secretary of State on behalf of the United States and by the Ambassador of France at Washington on behalf of Spain a Protocol of Agreement preliminary to the final establishment of peace between the United States and Spain.]

Memorandum left at the Department of State.

AMBASSADE DE FRANCE, *August 15, 1898.*

May the postal service by Spanish steamers be reestablished between Spain and Cuba, Porto Rico, Philippines?

Will Spanish merchants be permitted to send supplies in Spanish bottoms to Cuba, Porto Rico, Philippines?

Will Spanish tank steamer *Cadagna*, chartered by French merchants and now lying in Havre, be permitted to proceed to Philadelphia to take mineral oil for industrial purposes?

The French Embassy has been unofficially requested by the Spanish Government to learn the names, rank, number of American commissioners for the evacuation of Cuba and Porto Rico, for the peace negotiation at Paris, as it is the desire of the Spanish Government to appoint commissioners of same rank, etc.

In which delay should a claimant appeal from a decision of United States prize court to the United States Supreme Court?

Mr. Moore to Mr. Cambon.

DEPARTMENT OF STATE, *August 16, 1898.*

DEAR MR. CAMBON: In response to one of the inquiries left at the Department yesterday in behalf of the embassy by Mr. Thiébaut, I have the pleasure to inform you, by direction of the President, that the American commissioners for the evacuation of Cuba and Porto Rico are as follows:

For Cuba: Major-General Wade, Admiral Sampson, Major-General Butler.

For Porto Rico: Major-General Brooke, Admiral Schley, Brigadier-General Gordon.

Believe me, etc., J. B. MOORE.

Mr. Moore to Mr. Cambon.

No. 96.] DEPARTMENT OF STATE, *August 16, 1898.*

EXCELLENCY: This Government is advised that the Eastern Telegraph Company will at once proceed to restore cable communication between Hongkong and Manila if the United States and Spain will consent to that measure.

This Government desires such communication to be reopened and, as we have restored Spain to full telegraphic communication with Cuba, it is not supposed that she will object to the reestablishment of cable communication between Hongkong and Manila.

The Department will be greatly obliged to your excellency if you will be so good as to communicate with the Spanish Government on the subject.

Accept, etc., J. B. MOORE, *Acting Secretary.*

Mr. Cambon to Mr. Day.

[Translation.]

FRENCH EMBASSY,
Washington, August 17, 1898.

MR. SECRETARY OF STATE: The Spanish Government, not wishing to make use any longer of the good offices which the Government of the Republic has rendered it in its diplomatic communications with the Federal Government, wishes to send to Washington one of its consuls in Canada, who would be authorized to attend to all the questions of detail, the settlement of which the cessation of hostilities will, of course, permit or necessitate.

By order of my Government, I have the honor to notify you of this wish of the cabinet of Madrid, and I would be much obliged to you if you would inform me whether the Federal Government is disposed to permit such consul to be sent to Washington in the capacity of an unofficial agent.

Accept, etc., JULES CAMBON.

Mr. Moore to Mr. Cambon.

No. 98.] DEPARTMENT OF STATE, *August 17, 1898.*

EXCELLENCY: In a memorandum left at the Department on the 15th instant, in behalf of your Embassy, I note the following inquiries:

1. May the postal service by Spanish steamers be reestablished between Spain and Cuba, Porto Rico, and the Philippines?

2. Will Spanish merchants be permitted to send supplies in Spanish bottoms to Cuba, Porto Rico, and the Philippines?

3. Will the Spanish tank steamer *Cadagna*, chartered by French merchants and now lying in Havre, be permitted to proceed to Philadelphia to take mineral oil for industrial purposes?

It is understood that these inquiries are made with reference to the fact that, although a suspension of hostilities between the United States and Spain has been proclaimed, the state of war between the

two countries still continues, and that intercourse between them not having been formally restored must, so far as it is allowed, be the subject of special understanding.

With this observation, I proceed to answer your inquiries in the order in which they have been stated.

1. This Government will interpose no obstacle to the reestablishment of the postal service by Spanish steamers between Spain on the one side and Cuba, Porto Rico, and the Philippines on the other.

2. The United States will not object to the importation of supplies in Spanish bottoms to Cuba and the Philippines, but it has been decided to reserve the importation of supplies from the United States to Porto Rico to American vessels.

3. The Spanish tank steamer *Cadagna*, chartered by French merchants and now lying at Havre, will be permitted to proceed to Philadelphia and to take mineral oil for industrial purposes, provided such oil is not to be transported to Porto Rico.

The concessions contained in these answers are made upon the understanding that American vessels will not for the time being be excluded from Spanish ports, as well as upon the understanding that, if hostilities should at any time be renewed, American vessels that might happen to be in Spanish ports would be allowed thirty days in which to load and depart with noncontraband cargo, and that any American vessel which, prior to the renewal of hostilities, should have sailed for any Spanish port or place would be permitted to enter such port or place and discharge her cargo, and afterwards forthwith to depart without molestation, and, if met at sea by any Spanish ship, to continue her voyage to any port or place not blockaded. These rules were observed by the United States at the outbreak of the war and would again be observed by this Government in the event of a renewal of hostilities.

Accept, etc.

J. B. MOORE,
Acting Secretary.

Mr. Moore to Mr. Cambon.

No. 99.] DEPARTMENT OF STATE, *August 19, 1898.*

EXCELLENCY: I have the honor to acknowledge the receipt of your note of the 17th instant, in which you state that the Spanish Government, not wishing to make use any longer of the good offices which the Government of France has rendered it in its diplomatic communications with the United States, wishes to send to Washington one of its consuls from Canada, who would be authorized to attend to all the questions of detail, the settlement of which the cessation of hostilities will naturally permit or necessitate. You therefore inquire, by order of your Government, whether the Government of the United States is disposed to permit such a consul to be sent to Washington in the capacity of an unofficial agent.

The general terms in which the Spanish Government has caused its suggestion to be conveyed leave the Department in some doubt as to the precise object with which it is made or as to the precise capacity in which the proposed unofficial agent is to act; but the statement that the Spanish Government does not wish any longer to make use of the good offices which your Government has rendered it in its diplomatic communications with the United States indicates that such agent, who,

although a consul accredited to another Government, would have no official standing with reference to this Government, would be expected to discharge in some sense diplomatic functions.

To such a measure there are, it is conceived, two objections. In the first place, although hostilities have been suspended, the state of war between the United States and Spain still continues.

In the second place, the Department is not informed as to the questions of detail to which the suggestion of the Spanish Government refers. Arrangements have already been made for the treatment of the particular matters with reference to which the suspension of hostilities was proclaimed. The immediate evacuation of Cuba, Porto Rico, and other Spanish islands in the West Indies is to be carried out by commissioners specially appointed for that purpose, and the question of peace is to be treated of by specially appointed commissioners who are to meet in Paris.

Under these circumstances, it seems to this Government to be desirable that diplomatic communications between the United States and Spain, in relation to any questions other than those above mentioned, should for the present continue to be conducted through the very acceptable channel through which they have heretofore been made since the beginning of the war.

Accept, etc., J. B. MOORE, *Acting Secretary.*

Mr. Moore to Mr. Cambon.

[Personal.] DEPARTMENT OF STATE, *August 19, 1898.*

MY DEAR MR. AMBASSADOR: Referring to your oral request, I have now the pleasure to transmit herewith, for the files of your embassy, a typewritten copy in English of the peace protocol signed August 12, 1898, of the President's order directing the Secretary of State to sign that instrument, and of the President's proclamation.

I am, etc.,

J. B. MOORE.

Mr. Cambon to Mr. Day.

[Translation.]

EMBASSY OF THE FRENCH REPUBLIC,
Washington, August 20, 1898.

MR. SECRETARY OF STATE: In response to the wish which I had the honor to express to you verbally, you did me the favor, on the 19th of this month, to transmit to me, for the archives of my embassy, a copy of the protocol signed on the 12th of August, of the powers conferred upon the Secretary of State to sign this instrument, and of the proclamation suspending hostilities issued by the President of the United States on the same day.

I have the honor to thank you for the transmission of these documents, and I avail myself of this occasion to renew to you, Mr. Secretary of State, the assurances of my very high consideration.

JULES CAMBON.

Mr. Cambon to Mr. Day.

[Translation.]

EMBASSY OF THE FRENCH REPUBLIC,
Washington, August 20, 1898.

MR. SECRETARY OF STATE: In a communication under date of the 19th of this month you made known to me the objections which would be entertained by the Federal Government to the sending to Washington of a Spanish consul under the conditions indicated in my note of the 17th of August. You add that the settlement of the principal questions to which the suspension of hostilities gives rise having been intrusted to special commissions designated to meet, respectively, in Cuba, Porto Rico, and at Paris, it seems to you desirable that diplomatic communications relative to other questions should continue for the present to be exchanged between the Cabinets of Washington and Madrid by the same intermediary through which they have passed since the commencement of the war.

I have the honor to inform you that I have communicated this information to the Spanish Government, and I avail myself of this occasion to renew to you, Mr. Secretary of State, the assurances of my very high consideration.

JULES CAMBON.

Mr. Cambon to Mr. Day.

[Translation.]

EMBASSY OF THE FRENCH REPUBLIC,
Washington, August 20, 1898.

MR. SECRETARY OF STATE: I have the honor to acknowledge the receipt of your communication, under date of the 17th of this month, in which you inform me, in response to the inquiries contained in my note of the 15th, that—

First. The Federal Government will oppose no obstacle to the reestablishment of the royal mail postal service between Spain, Cuba, Porto Rico, and the Philippines.

Second. That it will permit Spanish merchants to transport, under the Spanish flag, provisions destined for Cuba and the Philippines, but that the importation into Porto Rico of provisions from the United States will be reserved to American vessels.

Third. That the Spanish reservoir ship *Cadagna*, freighted by French merchants, may proceed to Philadelphia and there receive on board a cargo of distilled petroleum for industrial purposes, on the condition that this cargo is not taken to Porto Rico.

You add that, the suspension of hostilities allowing a state of war to subsist between the two countries, the above concessions are granted with the following reservations:

First. During the present period access to Spanish ports shall not be denied to American vessels.

Second. Should hostilities be resumed, American vessels shall enjoy the immunities accorded to Spanish vessels by articles 4 and 5 of the President's proclamation of April 26 last.

I have hastened to communicate the foregoing information to the Spanish Government.

Be pleased to accept, etc., JULES CAMBON.

Mr. Cambon to Mr. Day.

[Translation.]

EMBASSY OF THE FRENCH REPUBLIC,
Washington, August 22, 1898.

The telegram by which the French Ambassador communicated to the Spanish Government the objections stated by the Secretary of State of the United States, in his letter of August 19, with regard to the proposed dispatch to Washington of a Spanish consul, crossed a dispatch from the Madrid cabinet, proposing, for the execution of that unofficial mission, M. Torroja, ex-consul of Spain at Philadelphia, who speaks English very well, and who is said to have left a very good impression in the United States.

The French ambassador would be thankful to the Secretary of State if he would inform him as speedily as possible whether there appears to be any prospect that this new proposition of the Madrid cabinet will be favorably entertained by the Federal Government.

M. J. Cambon avails himself, etc.

Mr. Cambon to Mr. Day.

[Translation.]

FRENCH EMBASSY,
Washington, August 22, 1898.

At the request of the Spanish Government, the French Ambassador has the honor to inform the Secretary of State of the United States that the royal commissioners who have been designated to arrange the details of the evacuation of the Spanish Antilles are:

For Cuba: The General of Division Gonzales Parrado, Rear-Admiral Pastor y Landero, and Marquis de Montoro.

For Porto Rico: General of Division Ortega y Diaz, Naval Captain of the First Class Vallarino y Carasco, and Auditor of Division (military judge) Sanchez del Aguila y Leon.

Mr. J. Cambon takes advantage of this opportunity, etc.

Mr. Day to Mr. Cambon.

DEPARTMENT OF STATE,
No. 102.] WASHINGTON, *August 23, 1898.*

EXCELLENCY: Referring to your inquiry of the 15th instant, I have the honor to inform you that by the statutes of the United States an appeal may be taken to the Supreme Court from all final decrees of any district court in prize cases where the matter in dispute, exclusive of costs, exceeds the sum or value of $2,000; and that an appeal is allowed in such cases, without reference to the value of the matter in dispute, on a certificate of the district judge that the adjudication involves a question of general importance. The law requires that the Supreme Court shall receive, hear, and determine such appeals, and shall always be open for the entry thereof. Power is vested in the Supreme Court also, if, in its judgment, the purposes of justice require it, to allow any amendment either in form or substance of any appeal in prize causes.

It is provided that appeals in such causes shall be made within thirty days after the rendering of the decree appealed from, unless the court previously extends the time for cause shown in the particular case. The Supreme Court is empowered if, in its judgment, the purposes of justice require it, to allow an appeal in any prize case if it appears that any notice of appeal or of intention to appeal was filed with the clerk of the district court within thirty days after the rendition of the final decree therein.

This answer to your inquiry is based in substance upon sections 695, 1006, and 1009 of the Revised Statutes of the United States.

Accept, etc.,

WILLIAM R. DAY.

Mr. Day to Mr. Cambon.

DEPARTMENT OF STATE,
Washington, August 24, 1898.

The Secretary of State of the United States has had the honor to receive the communication of the French ambassador of the 22d instant, in which it is stated that the Spanish Government, in pursuance of its previous proposal to send a consul to Washington to conduct in an unofficial capacity diplomatic correspondence with this Government, has designated for that function Mr. Torroja, ex-consul of Spain at Philadelphia, who speaks English, and who is said to have left a good impression in the United States.

In view of the fact that the telegraphic dispatch of the Spanish Government, conveying this designation, is understood to have crossed the telegram of the French embassy conveying our objections, as stated in our note of the 19th instant, to the original proposal, it does not appear to be necessary for the Department now to do more than refer to that note as having answered by anticipation the present communication.

Mr. William R. Day avails himself of this opportunity to renew to M. Cambon the assurances of his highest consideration.

Mr. Day to Mr. Cambon.

DEPARTMENT OF STATE,
Washington, August 24, 1898.

The Secretary of State of the United States has the honor to inform the Embassy of the Republic of France that it is expected that the commissioners appointed on the part of the United States for the purpose of arranging and executing the details of the evacuation of Cuba by Spain will soon depart for Havana in a public ship. It is deemed proper to give notice of this intention in order that the mines in the harbor of Havana may now be removed, if, indeed, this has not already been done.

The Secretary of State will be greatly obliged if the Embassy will cause the substance of this communication to be conveyed by telegraph to the Spanish Government, and advise him of that Government's reply, in order that preparations may immediately be made for the departure of the United States commissioners.

Mr. Cambon to Mr. Day.

[Translation.]

EMBASSY OF THE FRENCH REPUBLIC,
Washington, August 24, 1898.

In order to comply with the wish expressed by the Secretary of State of the United States in his note of August 24, the Embassy of France this day informed the Spanish Government, by cable, that the United States commissioners charged with the arrangements to be made for the evacuation of Cuba were shortly to proceed to Havana, and asked that orders be issued for the removal of mines from that harbor, in the event of this not having already been done.

The Embassy of France will have the honor of communicating to the Department of State the reply of the Spanish Government as soon as it receives it.

Mr. Day to Mr. Cambon.

DEPARTMENT OF STATE,
AUGUST 26, 1898.

The Secretary of State of the United States has the honor to inform the French Embassy that an inquiry has been made by a firm of ship brokers in the city of New York as to whether an American schooner would be received at Las Palmas, Canary Islands, if cleared for that port. In view of the position taken by this Government in reply to certain inquiries of the Government of Spain as to the reception of Spanish ships in the ports of this country, it is supposed that the schooner in question would be received at Las Palmas if cleared from the United States during the suspension of hostilities. The shippers, however, are unwilling to clear the schooner without a positive assurance to that effect, and as the Department has not as yet received from the Spanish Government a response to its note to the French embassy of the 17th instant, the Secretary of State ventures to express the hope that the French embassy will cause an inquiry to be made of the Spanish Government as to whether the schooner in question will be received at Las Palmas if she should clear for that port pending the suspension of hostilities.

Mr. Day to Mr. Cambon.

DEPARTMENT OF STATE,
Washington, August 26, 1898.

The Secretary of State has the honor to acknowledge the receipt of the note of the ambassador of France of the 22d instant, advising him of the composition of the commission designated on the part of Spain to arrange the details of the evacuation of the Spanish Antilles, and to say in reply that translations thereof have been communicated to the Secretaries of War and the Navy.

Mr. William R. Day has the honor to renew to Mr. Jules Cambon the assurances of his highest consideration.

Mr. Cambon to Mr. Day.

[Translation.]

FRENCH EMBASSY, WASHINGTON, *August 29, 1898.*

Referring to a communication from the honorable Secretary of State of the United States, dated August 24, concerning the approaching departure of the American commissioners charged with settling the details of the evacuation of Cuba, the French embassy has the honor to state that the Spanish Government has given orders to the Havana authorities for the removal of any mines which may still be in that harbor.

In this connection the Madrid cabinet has expressed a wish to know in what kind of vessel the American commission will take passage. It would prefer that it should not be a Federal war vessel, the presence of which, in Havana harbor might, by calling up the recollection of the *Maine*, give rise to demonstrations which it would not be easy to prevent, and which both parties would evidently be interested in avoiding.

Mr. Cambon to Mr. Day.

[Translation.]

FRENCH EMBASSY, WASHINGTON, *August 29, 1898.*

The French embassy has just received a telegram from Havana in which Captain-General Blanco expresses the wish to know whether the Federal Government would see any objection to officers of the Spanish army returning singly to Spain by way of the United States.

The French embassy would be much obliged to the Department of State if it would enable it to reply to this question by telegram.

Mr. Cambon to Mr. Day.

[Translation.]

FRENCH EMBASSY, WASHINGTON, *August 29, 1898.*

According to news received at Madrid from the Philippines, the insurrection is spreading more and more in the archipelago. By the help of five vessels at their disposal, the insurgents are said to be threatening various points where the Spanish forts are not able to oppose a successful resistance, and the peaceable population is thus exposed, without defense, to the barbarous treatment of the rebel bands.

The Royal Government, whose duty it is to provide for the protection of the life and property of the Spanish subjects in the Philippines, has expressed the wish that the Federal Government be informed of the fears which this situation causes it, and which might be advantageously remedied in the following manner:

The Spanish troops whom the capitulation of the city of Manila has reduced to inaction might be placed at once at the disposal of Spain, who would use them for the defense of the islands against the insurgents.

The minister of state at Madrid thinks that if the United States Government sees any objections to this arrangement, it will, at least, have no reason to oppose the dispatch of troops directly from the peninsula to the Philippines.

Mr. Cambon to Mr. Day.

[Translation.]

EMBASSY OF THE FRENCH REPUBLIC,
Washington, August 29, 1898.

The French Embassy has been requested to inform the Federal Government that the families of the officers of the garrison of the archipelago of the Ladrones are in a state of entire destitution.

The Spanish Government is confident that as soon as the attention of the Department of State has been called to this painful situation the United States will act in accordance with the feelings of humanity and the responsibility which it has assumed in sending those officers to Manila, and will take the necessary steps to have their families sent to Cavite.

Mr. Moore to Mr. Cambon.

No. 103.] DEPARTMENT OF STATE,
Washington, August 30, 1898.

EXCELLENCY: Referring to previous correspondence concerning Mr. Jimenez Zapatero, I have the honor to advise you that he has been released from confinement as a prisoner of war at Fortress Monroe, but that he still remains at the post because of lack of funds.

Accept, etc.,

J. B. MOORE, *Acting Secretary.*

DEPARTMENT OF STATE, *September 1, 1898.*

The Department of State, replying to the inquiry of the French embassy of the 29th ultimo, has the honor to say that this Government does not, under the present circumstances, object to officers of the Spanish army returning singly to Spain by way of the United States.

Mr. Thiébaut to Mr. Moore.

[Personal.]

FRENCH EMBASSY, WASHINGTON, *September 3, 1898.*

DEAR MR. MOORE: In reference with the informal note of this Embassy, dated August 29, and with our conversation of this morning, I have the honor to call your attention to the following statements:

From advices received at Madrid, negotiations are said to be carried on by the Federal authorities for the purpose of chartering at Hongkong ships for the transportation to Spain of the Spanish troops surrendered at Manila.

These troops or part thereof are needed by Spain to protect the Philippine Islands in her possession against the insurgents.

A ship with some 700 insurgents on board is said to have left Manila with a view of attacking some of the islands in Spain's possession.

Similar expeditions are said to be preparing in Luzon and starting therefrom with the same purpose; these vessels are flying a flag which has not been recognized by the maritime powers, and are therefore liable of being denounced as pirates.

These expeditions can hardly be carried on without the knowledge of the commander of the American forces in the bay of Manila; as Spain is scrupulously observing the dispositions of the protocol, it is believed by the Spanish Government that the Government of the United States will, on the other hand, cause the hostilities, from whatever quarter, to be suspended in the Philippines pending the peace negotiations.

Yours, most sincerely, THIÉBAUT.

Mr. Moore to Mr. Thiébaut.

[Personal.]

FRENCH EMBASSY, WASHINGTON, *September 5, 1898.*

DEAR MR. THIÉBAUT: Since the receipt of your informal note of the 29th ultimo and your personal letter of the 3d instant consideration has been given to the matters therein referred to, and pertinent advices have been received from our military and naval commanders in the Philippines.

As the result of our investigations it appears that some of the reports which you have brought to our attention in behalf of the Government at Madrid have no solid foundation, while others relate to matters that occurred before the signing of the protocol of August 12.

The rumor that the authorities of this Government are carrying on negotiations for the purpose of chartering at Hongkong ships for the transportation to Spain of the Spanish troops that surrender at Manila appears to be wholly groundless. No such negotiations have to our knowledge been undertaken. None have been authorized.

In our conversation of the 3d instant you disclaimed any intention on the part of the Spanish Government to impute to the commanders of the American forces at Manila connivance with any recent hostile proceedings of the insurgents. I am now able to say that they have no knowledge of the incidents referred to as having lately taken place at Manila.

As to the rumor that a ship with 700 insurgents on board has lately left Manila with a view to attack some of the islands in the Philippines, we are advised that no insurgent vessel having troops on board has recently left either Manila or Manila Bay. It is stated, however, that about August 10, before the protocol was signed, two vessels with from one to two hundred troops left Manila Bay, destination unknown.

The report that similar expeditions are preparing in Luzon with a hostile purpose against other islands appears also to be inexact. Our advices are to the effect that the insurgents have three or four small vessels, only two of which have guns, and that the largest of these vessels will not carry more than 250 men.

In your informal note of the 29th ultimo it is stated that the Spanish Government suggests that, for the purpose of checking insurgent hostilities, the Spanish troops now held as prisoners of war by the American forces may be placed at the disposal of Spain, to be used against the insurgents; or, if this be objected to, that the Spanish Government

may be allowed to send troops from the peninsula to the Philippines. It can scarcely be expected that this Government would even consider the question of adopting the first alternative, in view of the fact that for some time before the surrender of Manila the Spanish forces in that city were besieged by the insurgents by land while the port was blockaded by the forces of the United States by sea. As to the second alternative, it will be a matter for regret if it should be adopted on the strength of rumors, some of which have been shown to be groundless, while others yet are unconfirmed. The Government of the United States will, through its military and naval commanders in the Philippines, exert its influence for the purpose of restraining insurgent hostilities pending the suspension of hostilities between the United States and Spain.

It would be unfortunate if any act should be done by either Government which might, in certain aspects, be inconsistent with the suspension of hostilities between the two nations, and which might necessitate the adoption of corresponding measures of precaution by the other Government.

Very sincerely, yours, J. B. MOORE.

Mr. Cambon to Mr. Moore

[Translation.]

EMBASSY OF THE FRENCH REPUBLIC,
Washington, September 6, 1898.

The Ambassador of France has the honor to inform the Secretary of State of the United States that the Spanish Government has accepted, by way of reciprocity, the proposition for a *modus vivendi*, as regards navigation, which formed the subject of the communication of the Department of State of the 17th ultimo.

In consequence of this acceptance, and in order to reply to the inquiry made by the Department of State in its note of August 26, the Royal Government has given to the competent authorities in the Canary Islands the necessary orders to the end that the American schooner which the ship brokers in New York propose to send to Las Palmas may be at perfect liberty to enter that port.

Mr. Cambon avails himself of this occasion to renew to the Hon. J. B. Moore the assurances of his highest consideration.

Mr. Moore to Mr. Cambon.

DEPARTMENT OF STATE,
Washington, September 6, 1898.

By a note of the 29th ultimo, the French embassy communicated to the Department of State a report received from the Spanish Government to the effect that the families of the officers of the garrison of the archipelago of the Ladrones were in a state of destitution; and the embassy was so good as to say that the Spanish Government was confident that as soon as the attention of the Department was called to the painful situation, the United States would act in accordance with

the feelings of humanity and the responsibility it had assumed in sending those officers to Manila, and would take the necessary steps to have their families sent to Cavite.

Immediately upon the receipt of the note of the embassy, the Department, desirous of heeding every dictate of humanity, caused inquiries to be made as to the situation of the families in question. A reply to those inquiries has just been received, in the form of a telegram from Admiral Dewey, dated at Manila on the 5th instant. Admiral Dewey states that the families of the Spanish officers are still at Guam, and that, according to the testimony of all the United States naval officers who have visited the island, the reports of their destitution are wholly groundless.

The Spanish governor informed Captain Glass that all the families were provided for before leaving. When the *Monterey* and *Monadnock* were there they found no signs of destitution and heard no complaints. Spanish officers now held as prisoners at Manila received letters from Guam by both vessels, and in these letters no mention was made of any destitution. It further appears that Spanish officers at Guam are still collecting taxes, and are able to relieve any want.

Mr. J. B. Moore takes this occasion to renew to his excellency, Mr. Jules Cambon, the assurances of his highest consideration.

AFFAIRS IN THE PHILIPPINES.

Mr. Williams to Mr. Cridler.

No. 8.] CONSULATE OF THE UNITED STATES,
Manila, Philippine Islands, February 21, 1898.

SIR: I have the honor to inform you that during the year 1897 the record of arrivals and departures of vessels of all flags from Manila, Iloilo, and Cebu, the open ports of the Philippine Islands, is as follows:

Flag.	Arrivals.			Total.	Departures.			Total.
	Steamships.	Ships.	Barks.		Steamships.	Ships.	Barks.	
United States	1	15	8	24	1	13	8	22
Great Britain	150	20	22	192	149	23	18	190
Germany	28	1	2	31	28	.....	1	29
Spain	47	.....	.....	47	47	.....	.....	47
Japan	10	.....	.....	10	10	.....	.....	10
Norway	19	1	1	21	18	.....	1	19
Holland	2	.....	.....	2	2	.....	.....	2
Denmark	.....	.....	3	3	.....	.....	1	1
Hawaii	.....	.....	1	1	.....	.....	1	1
France	1	.....	.....	1	1	.....	.....	1
Total	.....	.....	.....	332	.....	.....	.....	322

Certain defects as to tonnage, etc., exist in the records supplied me. These I hope to have remedied for the current year, so that my 1898 report may be nearer complete.

I have the honor, etc.,

OSCAR F. WILLIAMS,
United States Consul.

Mr. Williams to Mr. Cridler.

No. 9.] CONSULATE OF THE UNITED STATES,
Manila, Philippine Islands, February 22, 1898.

SIR: Without specific instructions it seems my duty at this critical period to inform the Washington Government somewhat as to political conditions here. But as I have been here less than a month vigilance has not overcome all difficulties, and the rigid censorship of the press in general and the suppression of such publications as uttered the truth have made news gathering onerous.

I have before me a lengthy dispatch giving dates of many warlike and political matters, with rumors, observations, and conclusions, but deem it wise to write more briefly to-day, to bide events and wait specific instructions from you.

Peace was proclaimed, and since my coming festivities therefor were held; but there is no peace, and has been none for about two years. Conditions here and in Cuba are practically alike. War exists, battles are of almost daily occurrence, ambulances bring in many wounded,

and hospitals are full. Prisoners are brought here and shot without trial, and Manila is under martial law.

The Crown forces have not been able to dislodge a rebel army within 10 miles of Manila, and last Saturday, February 19, a battle was there fought and 5 dead left on the field. Much of such information is found in my longer dispatch, referred to, and which is at your command.

The Governor-General, who is amiable and popular, having resigned, wishes credit for pacification, and certain rebel leaders were given a cash bribe of $1,650,000 to consent to public deportation to China. This bribe and deportation only multiplied claimants and fanned the fires of discontent.

Insurgents demand fewer exactions from church and state, a half of public offices, and fewer church holidays, which seriously retard business.

A republic is organized here, as in Cuba. Insurgents are being armed and drilled; are rapidly increasing in numbers and efficiency, and all agree that a general uprising will come as soon as the governor-general embarks for Spain, which is fixed for March.

While some combatant regiments have recently been returned to Spain, it was for appearance only, and all authorities now agree that unless the Crown largely reinforces its army here it will lose possession.

Command me for any desired information.

Your obedient servant,

OSCAR F. WILLIAMS, *Consul.*

Mr. Williams to Mr. Cridler.

No. 2, special.] CONSULATE OF THE UNITED STATES,
Manila, Philippine Islands, March 19, 1898.

SIR: Matters are in a serious state here. I have daily communication by cable and letter with Commodore Dewey, but we pass letters by British and other shipmasters and by private parties, because cables and letters are tampered with.

Insurrection is rampant; many killed, wounded, and made prisoners on both sides. A battle ship, the *Don Juan de Austria*, sent this week to the northern part of Luzon to cooperate with a land force of 2,000 dispatched to succor local forces, overwhelmed by rebels.

Last night special squads of mounted police were scattered at danger points to save Manila.

I caution Americans against bearing arms in violation of local law, although threats have been made by Spaniards that all Americans would soon have their throats cut. Certain ones are so frightened as to frequently come to my consulate and hotel, and spies watch all my movements.

Yesterday I examined stock of an American who had been threatened and abstracted his ledger. To-day his inventory and accounts were placed in my safe. To-day two others came to me to send their effects to some American ship lying in the bay, and I have so planned.

I have no instructions from you as to these delicate complications, but so far have gotten on well. I fly our flag all the time, give double hours to the consulate, and have notified Americans that they can find me all the time at the consulate, or at my hotel, or on the path between. We have many holidays, but I keep open consulate every day, including Sundays, so Americans may find me.

Rebellion never more threatening to Spain. Rebels getting arms, money, and friends, and they outnumber the Spaniards, resident and soldiery, probably a hundred to one.

Report says that Holy Week the insurgents plan to burn and capture Manila. But, if so, you will learn it by wire before you receive this dispatch.

My March quarterly reports may be delayed or captured. If no trouble thwarts my work, all reports from here will be sent by first mail after March 31, but my consular agents at Cebu and Iloilo are both absent, and hence I may not receive their reports for transmission as early as I send my own.

All news comes direct from Washington. I hear nothing as to relations between United States and Spain, and, depending upon unofficial reports, I must act as if peace reigned. I can only assure you of vigilance and loyalty, await your instructions, and remain,

Your most obedient servant,

OSCAR F. WILLIAMS, *Consul.*

Mr. Williams to Mr. Cridler.

Special.] CONSULATE OF THE UNITED STATES,
Manila, Philippine Islands, March 27, 1898.

SIR: Because of having given daily information to Commodore Dewey as to disturbances here I have assumed that he informed the Washington Government, and I have written little on war matters.

Cuban conditions exist here possibly in aggravated form. Spanish soldiers are killed and wounded daily, despite claimed pacification, and the hospitals are kept full.

The majority of casualties are reported from the ranks of the native insurgents, and the cruelties and horrors of war are daily repeated.

Cavite is the naval port of Luzon, situated about 8 miles across the bay from Manila, and about twenty miles distant by way of bay shore and public highway, and last Thursday, March 24, a Crown regiment of natives, the Seventy-fourth, stationed there was ordered to advance against native insurgents near by. The regiment refused to obey orders, and 8 corporals were called out and shot to death in presence of the regiment, which was again ordered to advance and threat made that a refusal would be death to all. All did refuse and were sent to barracks to await sentence. On the morning of the following Friday, March 25, the entire regiment, with arms and equipment, marched out of the barracks and deserted in a body to the insurgents, saying they were willing to fight the foreign enemies of Spain, but would not fight their friends.

Since beginning this dispatch I learn of the desertion to the insurgents of another entire regiment. These are said to be the severest set-backs received by Spain during the two years' insurrection here.

On Friday morning, March 25, a church holiday, a meeting of natives was being held near my consulate in Manila, the natives being unarmed. The building was surrounded by police and military, the meeting broken up, twelve natives wantonly shot to death, several wounded, and sixty-two taken prisoners. Saturday morning, March 26, the sixty-two prisoners were marched in a body to the cemetery and shot to death, although it was shown that several were chance passers-by or employees in ships adjoining, not being in attendance at the meeting.

It was cold comfort to the widows and orphans of innocent men to have Spanish officers present them the mangled corpses of husbands and fathers.

Such horrors, but usually on a smaller scale, but at times attended by greater disregard for modern rules of war, occur almost daily, and the piteous cry goes up, "Will it ever stop?"

The Crown forces are now building a cordon of small forts on city's outskirts for defense against provincial natives, who are expected to soon attack Manila. In fact, two detectives and one messenger have come to me this evening with information that attack was to be made to-night, and everybody is anxious, as 8,000 native insurgent soldiers are encamped only five miles away.

The insurgents seem to lack arms and organization, but, so far as I can learn, outnumber the Spanish forces and inhabitants twenty to one. Arms are being obtained and organization slowly effected, and all classes fear the near future. It is said that the only reason why Manila has not been taken and burned is because a vast majority of its population is in perfect accord with the insurgents.

Because of anxiety among Americans and my wish to keep in reach of all demands, I keep the consulate open double hours and on all holidays and Sundays, with biggest flag flying, so any needing a refuge may find it.

Barbarities are reported as daily practiced, such as placing prisoners and suspects in black-hole dungeons in the walls of old Manila, so placed that with rise of tide prisoners are drowned; several hundred reported to have so perished.

Cruelties too horrid for an official report are detailed to me every day, and it seems that the cry of outraged humanity would soon compel Spain to abolish Middle Age methods of warfare.

Christian nations are such only in name when such atrocities as daily blacken the calendar are known to be perpetrated here and no effort made to protect the weak.

There is to-day no Christian nation—policy and mock diplomacy govern all; the vilest cruelties of war are added to the mangling of old men, women, and children to make full the measure of iniquity.

The American Indians would not permit one of their tribes to practice such barbarities. Why should so-called Christian nations decline to call a halt upon Spanish outrages?

All information as to defenses of Manila has been sent to Commodore George Dewey at Hongkong.

For fear of confiscation this dispatch and other mail go by messenger to Hongkong, to be there mailed.

Cable is cut in three places. I keep copies of dispatches, etc., but at present, for reasons, they are not copied on the register at consulate.

I remain, etc.,

OSCAR F. WILLIAMS,
United States Consul, Manila.

Mr. Williams to Mr. Day.

UNITED STATES CONSULATE,
Manila, Philippine Islands, March 31, 1898.

HONORED SIR: My returns and accounts for March quarter to both your Department and the Treasury having been perfected and mailed, I turn with reluctance, but from a sense of duty, to somewhat inform

you, as Secretary for Foreign Affairs, of the insurrection which for about two years has devastated these marvelously fair islands, "covered them with blood, often of the innocent, and has bereft thousands of homes of the husbands and sons who were the sole breadwinners."

Last week Thursday, March 24, at Cavite, near here, the Seventy-fourth Spanish Regiment, recruited among the natives of the southern islands of this group, refused to obey orders and attack the native insurrectionists. Eight corporals were called out and shot to death in presence of the regiment. Again orders to advance were given and disobeyed, when death to all was threatened. The regiment expressed a willingness to fight the foreign enemies of Spain, but said they would all be shot rather than fight their friends. All were sent to barracks to be punished later, but the next morning all took arms and deserted to the insurgents.

On Friday, March 25, a church and legal holiday, unarmed natives were holding a meeting near my consulate. The building was surrounded by police and the suspicious military, the meeting broken up, twelve natives shot to death, several wounded, and sixty-two prisoners taken, certain of whom were mere passers-by, not having attended the meeting. The next morning these sixty-two prisoners, without form of trial, were marched in a body to the cemetery and all shot to death.

Hardly a day passes without such scenes of middle-age treachery and barbarity. A recent uprising at Cape Bolinao, on the northwest coast of this island (Luzon), about 300 miles from Manila, was crushed by united action of two regiments of infantry aided by the battle ship *Don Juan de Austria*. A British shipmaster there at the time reports about forty killed and forty wounded. After surrender, the Spaniards put dead and wounded together in a house and by burning it cremated all.

In the old walls of "Walled Manila," built about 300 years ago, are said to be several "black hole" dungeon prisons, in which incarceration is almost sure death. Two of these, both of which I have seen, with apertures at summit of wall, have floors below low tide, so two or three feet of slime, mud, and water floor the dungeons. In these hundreds of so-called insurgents have lately been placed, and all drowned by the rising tide. No judge, no jury—simply hate, suspicion, treachery. Of this several reports have been made to me, one that above two hundred victims were counted in one of these prisons. No reliance can be placed upon the public press. Censorship is rigid, and the oldest daily there, El Diario de Manila, and another, have been suspended by public order because truth was told.

Months ago pacification was claimed by the Governor-General. It was false. A truce had been bought with $1,650,000, during which the Governor-General hoped to embark for Spain, but all was a hollow farce.

The Madrid Government seems now to understand all, and the Governor-General has been ordered to remain, and his appointed successor sent to one of the provinces.

Now 5,000 armed rebels, which for days have been encamped near Manila and have been reenforced from the mountains, plan to attack the city to-night. All is excitement and life uncertain.

News came this afternoon of the wounding of a governor of one of the southern provinces and the defeat of the Crown forces under his command.

The only church permitted here is the Roman Catholic, and its interference with the Government, its intolerance, immorality, and despotism are perhaps the greatest bar to progress in these islands.

From consensus of opinion received from men of several nationalties, from oldest foreign residents, from natives, Chinese, and a few Spaniards, I believe that of the Philippine people, estimated at fifteen millions, not five per cent are loyal to Spain.

But officials and priests, the leeches of the people, are in authority, have money, influence, and cunning, so that the natives and half-breeds (Chinese and European) are more or less controlled.

During the period when war between the United States and Spain was expected, which seems happily now to be disappearing, I daily heard the assurance that the natives, half-breeds, Chinese merchants, and such Spaniards as were in business were all ready to welcome our fleet, fight with it to hoist over these islands the United States flag, and swear allegiance to it; and once done, all interests here would thrive, be settled and happy.

I have daily felt it a duty to inform you, but for nearly the entire period of my incumbency every odd hour of day and many of evenings have been given to inspection of forts, arsenals, and battle ships in order to fully inform Commodore Dewey at Hongkong.

And because his means of communication with Washington were better than my own, I have trusted all to him. Another fact, I have not had money to cable Commodore Dewey as asked, but needed to borrow for it.

Fortunately I have been well every hour, so that by double hours at the consulate, and by keeping it open, with flag flying on holidays and Sundays, the Americans have felt sure of a refuge if trouble came, and threats were freely made that all Americans would have their throats cut. I have not dared to fully trust the post-office or telegraph company, as letters and cables have been freely tampered with, and hence have, until to-day, sent much mail by private messengers to Hongkong, and have received mail the same way.

To-day's mail being returns and accounts, etc., and having no chance to send to Hongkong, all was mailed here. This will be sent by messenger to China.

Now bubonic plague exists at Hongkong, and quarantine here delays ships, and Governor-General has ordered that ships take no passengers from these islands.

By discoveries here and by a plan devised, I have saved the United States Treasury in two months nearly double the amount of my salary, and each year hereafter it will be saved $200 from one item alone.

My hotel room has been searched, and, I believe, my consulate also, and friends have daily called to advise me to seek safety in hiding or in flight; but I have not shared their fears sufficiently to leave a post at which you had expectations that I would remain and perform every loyal duty to your Department and to our Government.

All officials have treated me well except one underling, whose head I threatened to smash, and with a return of cordiality between nations I shall make all official calls anew, as I have but just received my exequatur from Madrid.

My work for the commodore now lighter, I shall prepare reports on Philippine tariff, import wants, products, and institutions for the departments at Washington.

I do not copy this on the records of the consulate, because it may be there read any night by spies, and if so, my usefulness as well as my personal comfort would be impaired. I dare not even intrust my cipher cables and code to the old office safe, but carry all in my pockets.

I regret to burden you with a report so unfavorable, and hope ere long to be able to write of better conditions; but being your antipodes, the news is old before it passes between us.

For economy's sake I have not used the cable to United States, but have, as said, intrusted Commodore Dewey to inform you.

Believing that before you receive this you will have succeeded the venerable Mr. Sherman as premier, I beg you to accept congratulations, a moiety of which go to our country and its good President and a moiety to you, with the hope that your career as a national servant may be as long, as honored, and as beneficial as has been that of your illustrious predecessor.

I am, etc., OSCAR F. WILLIAMS,
United States Consul, Manila, Philippine Islands.

Mr. Williams to Mr. Day.

Special.] U. S. S. BALTIMORE,
CONSULATE OF THE UNITED STATES,
Bay of Manila, Philippine Islands, May 4, 1898.

SIR: I have the honor to briefly report to you concerning the battle of Manila Bay, fought on May 1, 1898.

Heeding your mandate, and by repeated request of Commodore George Dewey, of the United States Asiatic Squadron, I left Manila on Saturday, April 23, and on Wednesday, April 27, at about 1 o'clock p. m., boarded the flagship *Olympia* in Mirs Bay, near Hongkong. After meeting the commodore and his captains and commanders in council, the commodore at once ordered his fleet to start at 2 p. m. for Manila Bay.

On Saturday, April 30, Subig Bay was reconnoitered because of reported hiding of Spanish fleet in its inner harbor, but no fleet being there found, the commodore proceeded at once to the south channel entrance to Manila Bay, and while by many reports mines, torpedoes, and land defenses obstructed entrance, yet the flagship led the van, and between 10 p. m., April 30, and 2 a. m., May 1, our fleet of six war ships, one dispatch boat, and two coal-laden transports passed all channel dangers unharmed, despite shots from forts, and at 2 a. m. were all safe on the broad expanse of Manila Bay.

After my departure, April 23, and by drawing fire to save Manila if possible, all Spanish war ships went to their strongly fortified naval station at Cavite, where the inner harbor gave refuge and where potential support could be had from several forts and well-equipped batteries which extended several miles right and left from Port Cavite.

At about 5.30 a. m., Sunday, May 1, the Spanish guns opened fire at both the Manila breakwater battery and at Cavite from fleet and forts.

With magnificent coolness and order, but with greatest promptness, our fleet, in battle array, headed by the flagship, answered the Spanish attack, and for about two and a half hours a most terrific fire ensued.

The method of our operations could not have shown greater system, our guns greater effectiveness, or our officers and crews greater bravery. And while Spanish resistance was stubborn and the bravery of Spanish forces such as to challenge admiration, yet they were outclassed, weighed in the balance of war against the methods, training, aim, and bravery shown on our decks, and after less than three hours' perilous and intense

combat one of Spain's war ships was sinking, two others burning, and all others with land defenses had severely suffered when our squadron, with no harm done its ships, retired for breakfast. At about 10 o'clock a. m. Commodore Dewey renewed the battle and with effects most fatal with each evolution.

No better evidence of Spanish bravery need be sought than that, after the castigation of our first engagement, her ships and forts should again answer our fire. But Spanish efforts were futile. Ship after ship and battery after battery went to destruction before the onslaught of American energy and training, and an hour and a half of our second engagement wrought the annihilation of the Spanish fleet and forts with several hundred Spaniards killed and wounded and millions in value of their Government property destroyed. While amazing, almost unbelievable as it seems, not a ship or gun of our fleet had been disabled, and, except on the *Baltimore*, not a man had been hurt.

One of the crew of the *Baltimore* had had a leg fractured by slipping and another hurt in the ankle in a similar manner, while four received slight flesh wounds from splinters thrown by a 6-inch projectile which pierced the starboard side of the cruiser.

But in the battle of Manila Bay the United States squadron of six war ships totally destroyed the Spanish fleet of eight war ships, many forts and batteries, and accomplished this work without the loss of a man.

History has only contrasts. There is no couplet to form a comparison. The only finish fight between the modern war ships of civilized nations has proven the prowess of American naval men and methods, and the glory is a legacy for the whole people. Our crews were all hoarse from cheering, and while we suffer for cough drops and throat doctors we have no use for liniment or surgeons.

To every ship, officer, and crew all praise be given. As Victoria was answered years ago, "Your Majesty, there is no second," so may I report to your Department as to our war ships conquering the Spanish fleet in the battle of Manila Bay: There is no first; there is no second. The cool bravery and efficiency of the commodore was echoed by every captain and commander and down through the lines by every officer and man, and naval history of the dawning century will be rich if it furnishes to the world so glorious a display of intelligent command and successful service as must be placed to the credit of the United States Asiatic Squadron under date of May 1, 1898.

It was my lot to stand on the bridge of the *Baltimore* by the side of Captain Deyer during the first engagement, and to be called to the flagship *Olympia* by the commodore, at whose side, on the bridge, I stood during the second engagement. And when the clouds roll by, and I have again a settled habitation, it will be my honor and pleasure to transmit a report showing service somewhat in detail, and for which commanders promise data.

Meanwhile our commodore will officially inform you of events which will rival in American history the exploits of Paul Jones.

I have, etc.,

OSCAR F. WILLIAMS,
United States Consul, Manila, Philippine Islands.

Mr. Williams to Mr. Day.

Special.] CRUISER BALTIMORE,
CONSULATE OF THE UNITED STATES,
MANILA BAY, OPPOSITE CAVITE,
Manila, Philippine Islands, May 12, 1898.

SIR: To aid you, if possible, permit me to give assurance of the friendliness of the Philippine natives to our country and to me as its representative.

During the period of my residence in Manila, every week was a history of barbarities by Spaniards, and of efforts, often futile, of the natives to obtain rights and protect their homes.

Scores of times I have heard hopes expressed that either United States or Great Britain would acquire these islands. In all this foreign residents, other than Spanish, concurred; and all such classes are most friendly to me.

In the struggle between Spain and the insurgents, the deaths have been many and greater among the natives. First, because the Spaniards have been much better armed. Second, because the Spaniards killed many noncombatants, old men, women, and children, while the natives refrained from such barbarities.

From consensus of opinions of many reliable people, I estimate Spanish forces here about as follows:

First. Naval force, in ships annihilated in the notable battle of Manila Bay, in which ten Spanish war ships were burned and sunk—two auxiliary gunboats, ditto—and about thirty steamers, schooners, tugs, etc., captured.

Second. About 4,000 Spanish infantry, nearly a half of whom are in hospitals.

Third. About 6,000 native troops under Spanish officers, but if such officers were deported their soldiers would eagerly follow our flag.

An insurgent leader, Major Gonzales, reported to me last week on the *Olympia*, that they had 37,000 troops under arms, good and bad, surrounding Manila, endeavoring to cooperate with us. In the main they are very poorly armed, but have about 6,600 rifles taken from the Spaniards. They have captured the entire railroad line and the River Pasig, thus cutting off supply lines, while we by cutting off supply by bay and sea can soon starve Manila into surrender.

These natives are eager to be organized and led by United States officers, and the members of their cabinet visited me and gave assurance that all would swear allegiance to and cheerfully follow our flag. They are brave, submissive, and cheaply provided for.

To show their friendliness for me as our nation's only representative in this part of the world, I last week went on shore at Cavite with British consul, in his launch, to show the destruction wrought by our fleet. As soon as natives found me out, they crowded around me, hats off, shouting "Viva los Americanos," thronged about me by hundreds to shake either hand, even several at a time, men, women, and children striving to get even a finger to shake. So I moved half a mile, shaking continuously with both hands. The British consul, a smiling spectator, said he never before saw such an evidence of friendship. Two thousand escorted me to the launch amid hurrahs of good feeling for our nation, hence I must conclude:

First. Our squadron can force surrender in a day. Spaniards are all cooped up in Manila.

Second. Spanish officers of native regiments away, these 6,000, together with selections from the 37,000 insurgents, can give us ample land force, and can be well armed with rifles of Spanish soldiers and from barracks and arsenals.

Third. Few United States troops will be needed for conquest and fewer still for occupancy. Expulsion of Spaniards, naval, civil, military, and clerics, will remove all discord and danger, and civil government, crude in the beginning but better than the present, will be easy and be well received, while native priests, of which there are many, can fully and with perfect acceptability meet all religious requirements so far as present established religion is concerned.

All natives, all foreigners other than Spanish, and certain Spaniards in mercantile and retired life will aid us to every extent. The people crave a change of flag. Hence I believe ample assurances are at hand that civil government by us will be easy of organization and gratefully received by the people.

My communications to your Department are, these war days, supra consular, but on other lines I endeavor to serve our fleet and thus serve our nation.

All rejoice over the merited promotion of our commodore to the rank of rear-admiral, but every man of the fleet proved a hero, and it seems as if the shield of Providence warded off the enemy's shot, leaving our men unharmed, our ships and guns intact, and gave us the most important and unique victory of history.

The student of the next century will read with pride that the right arm of Spain was broken at the battle of "Manila Bay," and from this must come the acquisition of these islands, many times more extensive, more populous, and more valuable than Cuba, or else their capture will force Spain to conditions of peace on basis of honor, so much sought by our nation.

I have, etc.,

OSCAR F. WILLIAMS,
United States Consul.

Mr. Williams to Mr. Day.

Special.] U. S. S. BALTIMORE,
CONSULATE OF THE UNITED STATES,
MANILA BAY, OFF CAVITE,
Manila, Philippine Islands, May 24, 1898.

SIR: I have the honor to report successful efforts on the part of the insurgents of these islands in preparation for more successful war against Spain.

Officers have visited me during the darkness of night to inform the fleet and me of their operations, and to report increase of strength.

At a conference with General Aguinaldo, the head of the movement, I was told that they had now above 4,500 Mauser rifles taken from the Spaniards, and had also abundant ammunition. Until the present they have been fatally crippled in these respects.

Last week Major Gonzales captured two buffalo cart loads of rifle ammunition from the Spaniards. To-day I executed a power of attorney whereby General Aguinaldo releases to his attorneys in fact $100,000, now in bank in Hongkong, so that money therefrom can pay for 3,000 stand of arms bought there and expected here to-morrow.

The same sources informed me that about 37,000 insurgents stand ready to aid United States forces, and General Aguinaldo's headquarters were this a. m. at 7 o'clock surrounded by 500 to 1,000 men eager to enlist. I was there at that hour and saw the men.

My relations with all are cordial, and I manage to keep them so pro bono publico.

When General Merritt arrives he will find large auxiliary land forces adapted to his service and used to this climate.

I am, sir,

OSCAR F. WILLIAMS,
United States Consul.

Mr. Williams to Mr. Day.

Special.] U. S. S. BALTIMORE,
CONSULATE OF THE UNITED STATES,
Manila, Philippine Islands, June 16, 1898.

SIR: I have the honor to report that since our squadron destroyed the Spanish fleet on May 1, the insurgent forces have been most active and almost uniformly successful in their many encounters with the crown forces of Spain. General Emilio Aguinaldo, the insurgent chief, who was deported late in 1897, returned recently to Cavite and resumed direction of insurgent forces. He is not permitted by his people to personally lead in battle, but from headquarters governs all military movements. He told me to-day that, since his return, his forces had captured nearly 5,000 prisoners, nearly 4,000 of whom were Spaniards, and all of whom had rifles when taken. General Aguinaldo has now about 10,500 rifles and 8 fieldpieces, with 8,000 more rifles, 2 Maxim guns and a dynamite gun bought in China and now in transit. The insurgents have defeated the Spaniards at all points except at fort near Matate, and hold not only North Luzon to the suburbs of Manila, but Batanyes Province also and the bay coast entire, save the city of Manila.

While the Spaniards cruelly and barbarously slaughter Filipinos taken in arms, and often noncombatants, women, and children, the insurgent victors, following American example, spare life, protect the helpless, and nurse, feed, and care for Spaniards taken prisoners and for Spanish wounded as kindly as they care for the wounded fallen from their own ranks.

For future advantage I am maintaining cordial relations with General Aguinaldo, having stipulated submissiveness to our forces when treating for their return here. Last Sunday, 12th, they held a council to form provisional government. I was urged to attend, but thought best to decline. A form of government was adopted, but General Aguinaldo told me to-day that his friends all hoped that the Philippines would be held as a colony of United States of America.

It has been my effort to maintain harmony with insurgents in order to exercise greater influence hereafter when we reorganize government.

Manila is hemmed in; foreigners other than Spaniards have, by kindness of Rear-Admiral Dewey, been allowed to leave the beleaguered city and are cared for on merchant ships in the bay.

The *Baltimore* leaves early to-morrow to meet the troop ships northeast of Luzon, and incidentally to reconnoiter Dagupan Bay, the northern terminus of the Manila railroad, for Spanish cruisers and merchant ships.

We are impatient, made doubly so by the miraculous battle of May 1, which after inspection of waters and wrecks proved to be more signal than detailed in my dispatch on that subject.

The Spanish fleet, comprised of the following vessels, was annihilated so far as Spain is concerned, viz: Cruiser (flagship) *Reina Christina*, cruiser *Don Antonio de Ulloa*, cruiser *Don Juan de Austria*, cruiser *Isle de Cuba*, cruiser *Isle de Luzon*, gunboat *General Lezo*, gunboat *Marques del Duero*, gunboat *Velasco*, gunboat *Argos*, and armed transport *Isle de Mindanao*.

The above destroyed and sunk; the armed transport *Manila* was captured and soon appears as a United States cruiser, and the cruiser *Callao* has since been captured and augments our fleet.

The superb cruisers *Isle de Cuba* and *Isle de Luzon* were almost uninjured when sunk, by scuttling, to defeat capture. These are rich prizes which, later on, I hope to see flying our flag. We have had neither death nor serious sickness since we came. Manila is at the mercy of our fleet, and I believe its capture may be effected, so far as the fleet's part is concerned, without the loss of a man or the disabling of a vessel. Rear-Admiral Dewey only awaits troops to insure order and good government once we are in possession. We fear the city may fall too soon. For this reason Admiral Dewey asked me to remain here, where he could command such service as I may be able to render in event of his taking the city.

I expect that on July 4 we will celebrate in Manila under the folds of "Old Glory," and write in living letters a page of history that this magnificent insular empire has become a part and parcel of the United States of America.

I have the honor, etc.,

OSCAR F. WILLIAMS,
United States Consul.

Mr. Cridler to Mr. Williams.

No. 18.] WASHINGTON, *August 4, 1898.*

SIR: I have to acknowledge the receipt of your special dispatch of the 16th of June last, copy of which has been sent to the Secretary of War and the Secretary of the Navy. Your course, while maintaining amicable relations with the insurgents, in abstaining from any participation in the adoption of their so-called provisional government, is approved.

Respectfully, yours,

THOS. W. CRIDLER,
Third Assistant Secretary.

Mr. Williams to Mr. Day.

Special.] U. S. S. BALTIMORE, MANILA BAY,
Manila, Philippine Islands, July 2, 1898.

SIR: I have the honor to report the arrival here on June 30 of 2,500 United States troops under command of General Anderson, the flotilla being convoyed by the *Charleston*.

To General Anderson and all I am rendering every possible assistance, and have been asked by him to treat with General Aguinaldo as to American interests.

We await second flotilla, and also *Monterey*, but may take Manila to-morrow.

The health of men, naval and military, is excellent; all eager for great results. Cavite and navy-yard have been put in excellent sanitary condition and soldiers are most comfortably quartered.

Weather is superb for the latitude—mercury hovering about 80° to 85° in the shade during day, with cooler nights. Frequent rains make air pure and climate healthful.

En route the *Charleston* made conquest of the Ladrone group of the Philippine Islands by taking Guam and bringing away its government officials and Spanish residents as prisoners of war.

If long occupation or possession on the part of our Government be considered, I believe early and strenuous efforts should be made to bring here from the United States men and women of many occupations—mechanics, teachers, ministers, shipbuilders, merchants, electricians, plumbers, druggists, doctors, dentists, carriage and harness makers, stenographers, typewriters, photographers, tailors, blacksmiths, and agents for exporting—and to introduce American products, natural and artificial, of many classes. To all such I pledge every aid, and now is the time to start. Good government will be easier the greater the influx of Americans.

My dispatches have referred to our present percentage of export trade. If now our exports come here as interstate duty free, we have practical control of Philippine trade, which now amounts to many millions, and because of ingrafting of American energy and methods upon the fabulous natural and productive wealth of these islands can and probably will be multiplied by twenty during the coming twenty years. All this increment should come to our nation, not go to any other. Those who come early will reap great rewards and serve patriotic purpose at the same time, while their prompt and successful work will furnish outlet for the glut of United States products. Each American concern in each of the hundred ports and populous towns of the Philippines will be a commercial center and school for tractable natives conducive to good government on United States lines. Spanish or native language not essential. With Spaniards expelled, it should apply that our language be adopted at once in court, public office, school, and in newly organized churches, and let natives learn English.

I hope for an influx this year of 10,000 ambitious Americans, and all can live well, become enriched, and patriotically assist your representatives in the establishment and maintenance of republican government on these rich islands so extensive in area as to form an insular empire.

I hope in your own good way my idea may be effectively placed before the American people.

I have the honor, etc., O. F. WILLIAMS, *Consul.*

Mr. Williams to Mr. Day.

[Special.]

CONSULATE OF THE UNITED STATES,
MANILA, PHILIPPINE ISLANDS,
U. S. S. Baltimore, Manila Bay, August 4, 1898.

SIR: It has been my study to keep on pleasant terms with General Aguinaldo for ultimate objects. By so doing I have avoided certain troubles and aided our forces. Admiral Dewey says I have planted the seeds of cordial cooperation.

My argument with General Aguinaldo has been that the conditions of government by U. S. A. in the Philippine Islands would be vastly better for him and his people in honor, advancement, and profits than could exist under any plan fixed by himself and Filipinos. I have traversed the entire ground of government with him in council, and he has called his officials from fifteen provinces to meet me for their discussion, all stated as friendly but unofficial on my part. Our relations are cordial, while certain antagonisms have arisen between the general and certain other Americans.

I hope to bring about harmony and cooperation for mutual good.

I have the honor to be, sir, your most obedient servant,

OSCAR F. WILLIAMS,
United States Consul, Manila, Philippine Islands.

Mr. Williams to Mr. Day.

[Special.]

CONSULATE OF THE UNITED STATES,
MANILA, PHILIPPINE ISLANDS,
U. S. S. Baltimore, Manila Bay, August 5, 1898.

SIR: Because of my isolation and of your many duties I have left to representatives of our Navy and Army much of the duty of correspondence.

Presumably when Manila falls and the Philippine Islands become by conquest a part of our national domain, my duties as consul will end. In view of such probabilities I seek your appointive favor, and with pride recall to your mind the report of the then Commodore Dewey, made to Secretary Long and by him transmitted to you—this under date of April 18—says of me: "His assistance has been invaluable." This report was made before I ever saw the admiral, and made without my knowledge, and I know that my services to our Navy, Army, citizens, and nation have since been much greater than before.

Your commendations of my service have been most gratifying to me, and because of narrow resources I hope to have honorable and profitable station here or elsewhere in the United States public service. Could I be appointed general commissioner of customs of the Philippine Islands, light-house inspector, or general commissioner of agriculture, I should be honored and pleased. For many years I have made special study of tariffs and economic questions; have translated the Philippine tariff, and so have a measure of fitness. Then I was reared a farmer, and my business interests having always been along such lines, I have kept fully abreast with agricultural matters. Am a graduate of Cornell University, and for above twenty years was a teacher, lecturer, and author, and might well serve as superintendent of public instruction.

I need your recognition, and hope by cable or otherwise to have relief from present anxieties.

I have the honor to be, sir, your most obedient servant,

OSCAR F. WILLIAMS,
United States Consul, Manila, Philippine Islands.

Mr. Williams to Mr. Day.

[Telegram.]

MANILA, *September 5, 1898*, (Received 10.20 a. m.)

To-day delegation from 4,000 Viscayan soldiers, also representing southern business interests, came to me pledging loyalty to annexation. Several insurgent leaders likewise. Spain can not control; if we evacuate, anarchy rules.

WILLIAMS.

Mr. Wildman to Mr. Day.

No. 19.] HONGKONG, *November 3, 1897.*

SIR: Since my arrival in Hongkong I have been called upon several times by Mr. F. Agoncilla, foreign agent and high commissioner, etc., of the new republic of the Philippines.

Mr. Agoncilla holds a commission, signed by the president, members of cabinet, and general in chief of the republic of Philippines, empowering him absolutely with power to conclude treaties with foreign governments.

Mr. Agoncilla offers on behalf of his government alliance offensive and defensive with the United States when the United States declares war on Spain, which, in Mr. Agoncilla's judgment, will be very soon. In the meantime he wishes the United States to send to some port in the Philippines 20,000 stand of arms and 200,000 rounds of ammunition for the use of his government, to be paid for on the recognition of his government by the United States. He pledges as security two provinces and the custom-house at Manila.

He is not particular about the price—is willing the United States should make 25 per cent or 30 per cent profit.

He is a very earnest and attentive diplomat and a great admirer of the United States.

On his last visit he surprised me with the information that he had written his government that he had hopes of inducing the United States to supply the much-needed guns, etc.

In case Señor Agoncilla's dispatch should fall into the hands of an unfriendly power and find its way into the newspapers, I have thought it wise to apprise the State Department of the nature of the high commissioner's proposals.

Señor Agoncilla informs me by late mail that he will proceed at once to Washington to conclude the proposed treaty, if I advise.

I shall not advise said step until so instructed by the State Department.

I have the honor to be, sir, your obedient servant,

ROUNSEVILLE WILDMAN, *Consul.*

Mr. Cridler to Mr. Wildman.

No. 23.] WASHINGTON, *December 15, 1897.*

SIR: I have to acknowledge the receipt of your dispatch No. 19 of November 3, 1897, in which you announce the arrival at your post of Mr. F. Agoncilla, whom you describe as foreign agent and high com-

missioner of the new republic of the Philippines, and who holds full power to negotiate and conclude treaties with foreign powers. Mr. Agoncilla offers an alliance "offensive and defensive with the United States when the United States declares war on Spain, which, in Mr. Agoncilla's judgment, will be very soon," and suggests that 20,000 stand of arms and 200,000 rounds of ammunition be supplied to his government by that of the United States.

You may briefly advise Mr. Agoncilla, in case he should call upon you, that the Government of the United States does not negotiate such treaties and that it is not possible to forward the desired arms and ammunition.

You should not encourage any advances on the part of Mr. Agoncilla, and should courteously decline to communicate with the Department further regarding his alleged mission.

Respectfully, yours,

THOS. W. CRIDLER,
Third Assistant Secretary.

Mr. Wildman to Mr. Day.

No. 42.] CONSULATE OF THE UNITED STATES,
Hongkong, May 6, 1898.

SIR: Supplementary to my cable of this date, I have the honor to inclose, by request, statement of Don Dorotes Cortes, Don Maximo Cortes, and Dona Eustaquia, wife of Don Maximo; also like statement of Arcadio Rosario, Gracio Gonzaga, and Don Jose Maria Basa, all very wealthy landholders, bankers, and advocates of Manila.

They desire to tender their allegiance and the allegiance of their powerful families in Manila to the United States. They have instructed all their connections to render every aid to our forces in Manila.

The letters to the President, inclosed, explain themselves.

I have the honor to be, etc.,

ROUNSEVILLE WILDMAN, *Consul.*

Mr. Cridler to Mr. Wildman.

No. 42.] JUNE 16, 1898.

SIR: The Department has received your dispatch No. 42, of the 6th ultimo, reporting that a number of influential families of Manila desire to tender their allegiance to the United States.

In reply I have to inform you that a copy has been sent to the War Department, with the suggestion that the information be conveyed to General Merritt.

Respectfully, yours, THOS. W. CRIDLER,
Third Assistant Secretary.

Mr. Wildman to Mr. Day.

No. 43.] CONSULATE OF THE UNITED STATES,
Hongkong, May 14, 1898.

SIR: I have the honor to inclose, by request, the statements of Severino Rotea, Claudio Lopez, A. H. Marti, and Eugenia Plona, all wealthy and prominent landholders of the Philippine Islands.

They desire to submit their allegiance and the allegiance of their families in the Philippine Islands to the United States.

The letters to the President inclosed explain themselves.

I have the honor to be, etc.,

ROUNSEVILLE WILDMAN,
Consul.

To the President of the United States of North America:

Severino Rotea and Lopez, proprietor and farmer, native of Negros Oriental (Visayas), Philippine Islands, with great consideration exposes:

Having known the history and Constitution of the noblest liberal and rightful nation of the United States, he willingly adheres to the Government in annexing his country, and it will be for him a great honor to be joined it as soon as an additional star to the victorious flag of the United States of America and considered him as one of its citizens.

Hongkong, May 11, 1898.

(Signed) SEVERINO ROTEA.

To the President of the United States of America:

Claudio Lopez, merchant and proprietor and vice-consul of Portugal at Iloilo, native of the Philippine Islands, emigrant to this colony of Hongkong for political causes, exposes with great consideration:

Having known the history and Constitution of the noblest liberal and rightful nation of the United States of America, he, for the present, adheres to the Government in annexing his country, and considers that it will be for him a great honor to join his country as an additional star to the always victorious flag of the United States of America and to count him as one of its citizens.

Hongkong, 9th May, 1898.

(Signed) CLAUDIO LOPEZ.

To the President of the United States of America:

We, the subscribers, natives of the Philippine Islands, emigrants to this colony, for political causes, with great consideration expose:

Having known the history and the Constitution of the noble, liberal, and rightful nation of the United States of America, for the present, they adhere to the Government, considering that it will be for them a great honor to join their country as an additional star to the always victorious flag of the United States of America and considered them as its citizens.

(Signed) A. H. MARTI.

To the President of the United States of North America:

Eugenia Plona and Padillo, proprietor and farmer, native of Negros Occidental (Visayas), Philippine Islands, and emigrant to this colony for political causes, with great consideration, exposes:

Having known the history and Constitution of the noblest liberal and rightful nation of United States, he willingly adheres to the Government in annexing his country, and it will be for him a great honor to be joined it as an additional star to the always victorious flag of the United States of North America and considered him as one of its citizens.

Hongkong, May 10, 1898.

(Signed) EUGENIA PLONA.

Mr. Wildman to Mr. Day.

[Telegram received in cipher.]

HONGKONG, *May 19, 1898.* (Received 19th—4.55 a. m.)

DAY, *Washington:*

This answers Long's cable to Dewey. From best information obtainable Dewey can not reply under week. Twenty-one thousand Spanish troops, of which 4,000 native, 2,000 volunteers. All but 1,000 at Manila. They have ten mountain guns; no large field artillery; proven last rebellion not practicable. Plenty good ponies, 12 hands high. No food Philippines but rice. Large supply of rifles should be taken for insurgent allies.

WILDMAN.

Mr. Wildman to Mr. Moore.

No. 63.] CONSULATE OF THE UNITED STATES,
Hongkong, July 18, 1898.

SIR: I am taking the liberty of calling your attention to the continuous repetition of telegraphic information reaching this port that it is the policy of the United States Government to allow the Philippine Islands to return to Spain on the conclusion of the war.

Without placing any reliance in these statements, I desire to use them as a text upon which to respectfully submit the result of my experience with the leaders of the present Philippine insurgents, and to suggest the utter impossibility of Spain, even with the aid of the United States, ever regaining a foothold on these islands.

I have lived among the Malays of the Straits Settlements and have been an honored guest of the different sultanates. I have watched their system of government and have admired their intelligence, and I rank them high among the semicivilized nations of the earth. The natives of the Philippine Islands belong to the Malay race, and while there are very few pure Malays among their leaders, I think their stock has rather been improved than debased by admixture. I consider the forty or fifty Philippine leaders, with whose fortunes I have been very closely connected, both the superiors of the Malays and the Cubans. Aguinaldo, Agoncilla, and Sandico are all men who would all be leaders in their separate departments in any country, while among the wealthy Manila men, who live in Hongkong and who are spending their money liberally for the overthrow of the Spaniards and the annexation to the United States, men like the Cortes family and the Basa family, would hold their own among bankers and lawyers anywhere.

I believe I know the sentiments of the political leaders and of the moneyed men among the insurgents, and, in spite of all statements to the contrary, I know that they are fighting for annexation to the United States first, and for independence secondly, if the United States decides to decline the sovereignty of the islands. In fact I have had the most prominent leaders call on me and say they would not raise one finger unless I could assure them that the United States intended to give them United States citizenship if they wished it. In my opinion, Spain with the aid of the entire world can never reestablish herself, outside of a few of the large cities. An attempt at reconquest would reduce the islands to a state of anarchy, and reduce them to a level of Acheen.

There has been a systematic attempt to blacken the name of Aguinaldo and his cabinet, on account of the questionable terms of their surrender to Spanish forces a year ago this month. It has been said that they sold their country for gold, but this has been conclusively disproved, not only by their own statements but by the speech of the late Governor-General Rivera in the Spanish Senate June 11, 1898. He said that Aguinaldo undertook to submit if the Spanish Government would give a certain sum to the widows and orphans of the insurgents. He then admits that only a tenth part of this sum was ever given to Aguinaldo, and that the other promises made he did not find it expedient to keep.

I was in Hongkong September, 1897, when Aguinaldo and his leaders arrived under contract with the Spanish Government. They waited until the 1st of November for the payment of the promised money and the fulfillment of the promised reforms. Only $400,000, Mexican, was ever placed to their credit in the banks, and on the 3d of November Mr. F. Agoncilla, late minister of foreign affairs in Aguinaldo's cabinet, called upon me and made a proposal which I transmitted to the State Department in my dispatch No. 19, dated November 3, 1897. In reply the State Department instructed me "to courteously decline to communicate with the Department further regarding the alleged mission." I obeyed these instructions to the letter until the breaking out of the war when, after consultation with Admiral Dewey, I received a delegation from the insurgent junta, and they bound themselves to obey all laws of civilized warfare and to place themselves absolutely under the orders of Admiral Dewey if they were permitted to return to Manila. At this time their president, Aguinaldo, was in Singapore negotiating through Consul-General Pratt with Admiral Dewey for his return.

On April 27, in company with Consul O. F. Williams, we received another delegation, composed of Señor Sandigo, José Maria Basa, Tomas Mascardo, Lorenzo L. Zialcita, Andres E. de Garchitorena, Manuel Malvar, Mariano Llanza, Salvatore Estrella. We agreed on behalf of Dewey to allow two of their number to accompany the fleet to Manila, consequently on the same day I took in the tug *Fame* Alizandrino and Garchitorena, accompanied by Mr. Sandico, to the *Olympia* in Mir's Bay. On May 2 Aguinaldo arrived in Hongkong and immediately called on me. It was May 16 before I could obtain permission from Admiral Dewey to allow Aguinaldo to go by the United States ship *McCulloch*, and I put him aboard in the night so as to save any complications with the local Government. Immediately on the arrival of Aguinaldo at Cavite he issued a proclamation, which I had outlined for him before he left, forbidding pillage, and making it a criminal offense to maltreat neutrals. He, of course, organized a government of which he was dictator, an absolutely necessary step if he hoped to maintain control over the natives, and from that date until the present time he has been uninterruptedly successful in the field and dignified and just as the head of his government. According to his own statements to me by letter, he has been approached by both the Spaniards and the Germans, and has had tempting offers made him by the Catholic Church. He has been watched very closely by Admiral Dewey, Consul Williams, and his own junta here in Hongkong, and nothing of moment has occurred which would lead any one to believe that he was not carrying out to the letter the promises made to me in this consulate.

The insurgents are fighting for freedom from the Spanish rule, and rely upon the well known sense of justice that controls all the actions of our Government as to their future.

In conclusion, I wish to put myself on record as stating that the insurgent government of the Philippine Islands can not be dealt with as though they were North American Indians, willing to be removed from one reservation to another at the whim of their masters. If the United States decides not to retain the Philippine Islands, its 10,000,000 people will demand independence, and the attempt of any foreign nation to obtain territory or coaling stations will be resisted with the same spirit with which they fought the Spaniards.

I have the honor, etc.,

ROUNSEVELLE WILDMAN,
Consul-General.

Mr. Moore to Mr. Wildman.

[Telegram sent.]

DEPARTMENT OF STATE,
Washington, August 6, 1898.

WILDMAN, *Consul, Hongkong:*

If you wrote Aguinaldo, as reported by Hongkong correspondent Daily Mail, your action is disapproved, and you are forbidden to make pledges or discuss policy.

MOORE.

[Telegram received in cipher.]

HONGKONG, *August 8, 1898.* (Received 9.10 a. m.)

MOORE, *Washington:*

Never made pledges or discussed policy of America with Aguinaldo further than to try and hold him to promises made before Dewey took him (to) Cavite, believing it my duty, it being understood that my influence is good. If report contrary, I disavow it. WILDMAN.

Mr. Wildman to Mr. Moore.

No. 66.] CONSULATE OF THE UNITED STATES,
Hongkong, August 9, 1898.

SIR: On August 7 I received the following cablegram:

WASHINGTON, *August 7, 1898.*

WILDMAN, *Consul, Hongkong:*

If you wrote Aguinaldo as reported by Hongkong correspondent Daily Mail, your action is disapproved, and you are forbidden to make pledges or discuss policy.

MOORE.

To which I replied on August 8, 1898:

MOORE, *Washington:*

Never made pledges or discussed policy of America with Aguinaldo further than to try and hold him to promises made before Dewey took him (to) Cavite, believing it my duty, it being understood that my influence is good. If report contrary, I disavow.

WILDMAN.

I feel it only justice to myself to make some explanation regarding the numerous newspaper reports that go from this city, and to the many opinions that are put into my mouth regarding the conduct of

the war by my friends of the press. I have never so far taken occasion to deny any of them, knowing that the Department would realize that, through the accidents of war and the geographical situation of Hongkong, I have been placed in a position, through no desire of my own, which has made me a mark for the representatives of all the big newspapers of the world.

In my dispatch, No. 63, of July 18, 1898, I tried to briefly outline the position Consul Williams and myself have taken toward the insurgents. We believed that they were a necessary evil, and that if Aguinaldo was placed in command, and was acceptable to the insurgents as their leader, that Admiral Dewey or General Merritt would have some one whom they could hold responsible for any excesses. The other alternative was to allow the entire islands to be overrun by small bands bent only on revenge and looting. We considered that Aguinaldo had more qualifications for leadership than any of his rivals. We made him no pledges and extracted from him but two, viz, to obey unquestioningly the commander of the United States forces in the Philippine Islands, and to conduct his warfare on civilized lines. He was in and out of the consulate for nearly a month, and I believe I have taken his measure and that I acquired some influence with him. I have striven to retain his influence and have used it in conjunction with and with the full knowledge of both Admiral Dewey and Consul Williams.

Aguinaldo has written me by every opportunity, and I believe that he has been frank with me regarding both his actions and his motives. I do not doubt but that he would like to be President of the Philippine Republic, and there may be a small coterie of his native advisers who entertain a like ambition, but I am perfectly certain that the great majority of his followers, and all the wealthy educated Filipinos have but the one desire—to become citizens of the United States of America. As for the mass of uneducated natives they would be content under any rule save that of the friars. My correspondence with Aguinaldo has been strictly of a personal nature, and I have missed no opportunity to remind him of his antebellum promises. His letters are childish, and he is far more interested in the kind of cane he will carry or the breastplate he will wear than in the figure he will make in history. The demands that he and his junta here have made upon my time is excessive and most tiresome. He is a man of petty moods, and I have repeatedly had letters from Consul Williams requesting me to write to Aguinaldo a friendly letter congratulating him on his success, and reminding him of his obligations. I do not care to quote Admiral Dewey, as his letters are all of a strictly personal nature, but I feel perfectly free to refer you to him as to my attitude and actions. I do not say this because I feel that I need to make any defense, but because I believe that the Daily Mail to which you refer in the above telegram has misconstrued my attitude, and placed me in a false position.

I find on investigation that the letter you refer to as published in the London Mail was a personal one, written by me on July 25 at the request of Consul Williams, and on lines with which we have been working with Aguinaldo from the first. Aguinaldo had for some weeks been getting what Admiral Dewey called a "big head," and writing me sulky, childish letters. In consequence I wrote him in part as follows:

"If you stand shoulder to shoulder with our forces, and do not allow any small differences of opinion and fancied slights to keep you from the one set purpose of freeing your island from the cruelties under which you claim it has been groaning for so many hundred years, your name in history will be a glorious one. There are

greater prizes in the world than being the mere chief of a revolution. Do not forget that the United States undertook this war for the sole purpose of relieving the Cubans from the cruelties under which they were suffering, and not for the love of conquest or the hope of gain. Whatever the final disposition of the conquered territory may be you can trust to the United States that justice and honor will control all their dealings with you. The first thing is to throw off the Spanish yoke. Do not let anything interfere with this."

If the newspapers can make anything out of this personal letter that looks like a pledge or an assumption on my part of powers that are not vested in me, I must decline to accept their interpretation, and inasmuch as Aguinaldo himself does not so construe it, I trust the Department will not consider that I have exceeded the bounds of discretion or embarrassed the Department in any way.

I have the honor, etc.,

ROUNSEVELLE WILDMAN,
Consul-General.

Mr. Wildman to Mr. Moore.

[Telegram received.]

HONGKONG, *August 15, 1898.* (Received 3.20 a. m.)

MOORE, *Washington:*

Spanish consul received dispatch Sunday ordering surrender Manila. Shall I offer to deliver personally and save more delay? Believe can be of service to Dewey should Aguinaldo make trouble.

WILDMAN.

The above telegram from Wildman was answered by the Secretary thus:

"Spanish consul should deliver dispatch in his own way. Take no action respecting Aguinaldo without specific directions from this Department."

JUNE 22, 1898.

For the Secretary:

Here are two dispatches from Mr. Pratt, consul-general at Singapore, respectively numbered 214 and 217.

No. 214 incloses a copy of Mr. Pratt's confidential No. 212, to which you have already replied.

It also incloses a copy of his No. 213, narrating his parting interview with General Aguinaldo. Mr. Pratt states that in this interview he enjoined upon General Aguinaldo the necessity, under Commodore Dewey's direction, of assuming absolute control over his forces in the Philippines, since no excesses on their part would be tolerated by the United States, the President having declared that the present hostilities with Spain were to be carried on in strict conformity with the principles of civilized warfare. Mr. Pratt states that to this injunction General Aguinaldo gave his full assent, assuring him that he intended, and was able, when in the field, to hold his followers, the insurgents, in check and lead them on "as our commander should direct." General Aguinaldo, as Mr. Pratt reports, "further stated that he hoped the United States would assume protection of the Philippines for at least long enough to allow the inhabitants to establish a government of their own, in the organization of which he would desire American

advice and assistance." "These questions," says Mr. Pratt, "I told him I had no authority to discuss." This confirms Mr. Pratt's statement, in his recent telegram, that he confined his action to bringing General Aguinaldo and Commodore Dewey together.

In his No. 217, of the 5th of May, he incloses an article from the Singapore Free Press containing an account of his conferences with General Aguinaldo. The statements in this article Mr. Pratt pronounces to be substantially correct, and it seems to be the source of the article which was published in the New York Herald the other day from Vancouver.

These dispatches of Mr. Pratt seem to be covered by the instruction already sent him, which stated that it was proper for him to obtain the unconditional personal assistance of General Aguinaldo, but not to make any political pledges.

J. B. M.

Mr. Pratt to Mr. Day.

No. 214.] CONSULATE-GENERAL OF THE UNITED STATES,
Singapore, May 1, 1898.

SIR: I have the honor to submit the inclosed copies of my reports, Nos. 212 and 213, of the 28th and 30th ultimo, respectively, regarding my action in arranging for the cooperation with the American forces of General Emilio Aguinaldo, leader of the insurrectionary movement in the Philippines, and departure of the latter to join Commodore Dewey.

I have the honor to be, etc.,

E. SPENCER PRATT,
United States Consul-General.

Mr. Pratt to Mr. Day.

[Confidential.]

No. 212.] CONSULATE-GENERAL OF THE UNITED STATES,
Singapore, April 28, 1898.

SIR: I have the honor to report that I sent you on the 27th instant, and confirmed in my dispatch No. 211 of that date, a telegram, which deciphered read as follows:

SECRETARY OF STATE, *Washington:*

General Aguinaldo gone my instance Hongkong arrange with Dewey cooperation insurgents Manila.

PRATT.

The facts are these: On the evening of Saturday the 23d instant, I was confidentially informed of the arrival here, incognito, of the supreme leader of the Philippine insurgents, General Emilio Aguinaldo, by Mr. H. W. Bray, an English gentleman of high standing, who, after fifteen years' residence as a merchant and planter in the Philippines, had been compelled by the disturbed condition of things resulting from Spanish misrule to abandon his property and leave there, and from whom I had previously obtained much valuable information for Commodore Dewey regarding fortifications, coal deposits, etc., at different points in the islands.

Being aware of the great prestige of General Aguinaldo with the insurgents, and that no one, either at home or abroad, could exert over them the same influence and control that he could, I determined at once

to see him, and, at my request, a secret interview was accordingly arranged for the following morning, Sunday, the 24th, in which, besides General Aguinaldo, were only present the General's trusted advisers and Mr. Bray, who acted as interpreter.

At this interview, after learning from General Aguinaldo the state of and object sought to be obtained by the present insurrectionary movement, which, though absent from the Philippines, he was still directing, I took it upon myself, whilst explaining that I had no authority to speak for the Government, to point out the danger of continuing independent action at this stage; and, having convinced him of the expediency of cooperating with our fleet, then at Hongkong, and obtained the assurance of his willingness to proceed thither and confer with Commodore Dewey to that end, should the latter so desire, I telegraphed the Commodore the same day as follows, through our consul-general at Hongkong:

Aguinaldo, insurgent leader, here. Will come Hongkong arrange with Commodore for general cooperation insurgents Manila if desired. Telegraph.

PRATT.

The Commodore's reply reading thus:

Tell Aguinaldo come soon as possible.

DEWEY.

I received it late that night, and at once communicated to General Aguinaldo, who, with his aid-de-camp and private secretary, all under assumed names, I succeeded in getting off by the British steamer *Malacca*, which left here on Tuesday the 26th.

Just previous to his departure, I had a second and last interview with General Aguinaldo, the particulars of which I shall give you by next mail.

The general impressed me as a man of intelligence, ability, and courage, and worthy the confidence that had been placed in him.

I think that in arranging for his direct cooperation with the commander of our forces, I have prevented possible conflict of action and facilitated the work of occupying and administering the Philippines.

If this course of mine meets with the Government's approval, as I trust it may, I shall be fully satisfied; to Mr. Bray, however, I consider there is due some special recognition for most valuable services rendered.

How that recognition can best be made I leave to you to decide.

I have, etc.,

E. SPENCER PRATT,
United States Consul-General.

Mr. Pratt to Mr. Day.

No. 213.] CONSULATE-GENERAL OF THE UNITED STATES,
Singapore, April 30, 1898.

SIR: Referring to my dispatch No. 212, of the 28th instant, I have the honor to report that in the second and last interview I had with Gen. Emilio Aguinaldo on the eve of his departure for Hongkong, I enjoined upon him the necessity, under Commodore Dewey's direction, of exerting absolute control over his forces in the Philippines, as no excesses on their part would be tolerated by the American Government, the President having declared that the present hostilities with Spain were to be carried on in strict accord with modern principles of civilized warfare.

To this General Aguinaldo fully assented, assuring me that he intended and was perfectly able, once on the field, to hold his followers, the insurgents, in check and lead them as our commander should direct.

The general further stated that he hoped the United States would assume protection of the Philippines for at least long enough to allow the inhabitants to establish a government of their own, in the organization of which he would desire American advice and assistance.

These questions I told him I had no authority to discuss.

I have, etc.,

E. SPENCER PRATT,
United States Consul-General.

Mr. Pratt to Mr. Day.

No. 217.] CONSULATE-GENERAL OF THE UNITED STATES,
Singapore, May 5, 1898.

SIR: I regret to have to report that the circumstances attending the departure from here of General Emilio Aguinaldo to join Commodore Dewey, which I had endeavored so hard to prevent being disclosed, were, in substance, made public in yesterday's edition of the Singapore Free Press, from the inclosed copy of which you will note, by reference to my reports Nos. 212 and 213 of the 28th and 30th ultimo, respectively, that though the facts are, in the main, correctly given, the dates are not quite accurate and a certain amount of conjecture has been indulged in as regards my action in the matter and that of the commodore.

Almost immediately after the occurrence the editor of the above journal told me that he had been informed, but declined to say by whom.

I endeavored to get him to promise to keep the whole affair quiet, but, though he would not agree to this, he gave me his word not to mention it until after sufficient time should have elapsed to admit of General Aguinaldo's reaching Hongkong, which he must already have done.

Hence no harm can come of the disclosure, and, though it is annoying, I suppose I should rather congratulate myself that the secret possessed by such a number was kept so long.

I have, etc.,

E. SPENCER PRATT,
United States Consul-General.

[Inclosure.—The Singapore Free Press, Wednesday, May 4, 1898.]

THE WAR—IMPORTANT POLITICAL ARRANGEMENT—AGUINALDO IN SINGAPORE—AN INCOGNITO VISIT—HE JOINS ADMIRAL DEWEY—PLAN CARRIED OUT BY AMERICAN CONSUL-GENERAL.

Just before the actual outbreak of hostilities between Spain and the United States Singapore has been the scene of a secret political arrangement by which Gen. Emilio Aguinaldo y Fami, the supreme head of the revolutionary movement in the Philippines, has entered into direct relations with Admiral Dewey, commander of the American squadron in China waters, while that officer was still at Hongkong.

In order to understand and appreciate this interesting historical incident properly, it will be necessary to allude to the causes leading to the second appearance of the rebellion in the Philippines, which was almost coincident with, though not instigated by, the strained relations between Spain and the United States.

In December last General Primo de Rivera, who above all other Spanish generals has an intimate knowledge of the country and its inhabitants, found the position

untenable for both parties. Neither of these had the remotest chance of terminating the rebellion decisively, the rebels secure in their mountain fastnesses, the Spaniards holding the chief towns and villages on the coast. Primo de Rivera therefore sent two well-known Philippine natives, occupying high positions in Manila, to propose terms of peace to General Aguinaldo in Biac-na-Bato. A council of the revolutionary government was held, in which it was agreed to lay down arms on condition of certain reforms being introduced. The principal of these were:

1. The expulsion, or at least secularization, of the religious orders, and the inhibition of these orders from all official vetoes in civil administration.
2. A general amnesty for all rebels, and guarantees for their personal security and from the vengeance of the friars and parish priests after returning to their homes.
3. Radical reforms to curtail the glaring abuses in public administration.
4. Freedom of the press to denounce official corruption and blackmailing.
5. Representation in the Spanish Parliament.
6. Abolition of the iniquitous system of secret deportation of political suspects, etc.

Primo de Rivera agreed to these reforms in sum and substance, but made it a condition that the principal rebel leaders must leave the country during His Majesty's pleasure. As these had lost all their property or had had it confiscated and plundered, the Government agreed to provide them with funds to live in a becoming manner on foreign soil.

The rebels laid down their arms and peace was apparently secured, but no sooner had they done so and returned to their houses than the intransigeant religious orders commenced at once to again persecute them and trump up imaginary charges to procure their rearrest. The Spanish Government, on its side, imagining itself secure, desisted from carrying out the promised reforms, thinking another trick like that played on the Cubans after the peace of Zanjon, arranged by Martinez Campos, might succeed. The Philippinos, however, with this business before them, refused to be made dupes of, and have taken up arms again, not alone in the immediate districts round Manila but throughout the Archipelago, which merely awaits the signal from General Aguinaldo to rise en masse, no doubt carrying with them the native troops hitherto loyal, and for which loyal service they have received no thanks but only ingratitude.

Gen. Emilio Aguinaldo, accompanied by his aide-de-camp, Col. Marcelo H. del Pilar, and his private secretary, Mr. J. Leyba, arrived incognito in Singapore from Saigon on April 21, 1898. In Saigon, where Aguinaldo had remained for one week, he had interviews with one or two old Philippino friends now resident there. The special purpose of Aguinaldo's visit to Singapore was to consult other friends here, particularly Mr. Howard W. Bray, an old and intimate English friend, for fifteen years resident in the Philippines, about the state of affairs in the islands generally—particularly as to the possibility of war between the United States and Spain, and whether, in such an event, the United States would eventually recognize the independence of the Philippines, provided he lent his cooperation to the Americans in the conquest of the country. The situation of the moment was this, that the conditions of the honorable peace concluded on December 14, 1897, between President Aguinaldo, on behalf of the Philippine rebels, and H. E. Governor-General Primo de Rivera, on behalf of Spain, had not been carried out, although their immediate execution had been vouched for in that agreement.

These reforms would have provided protection to the people against the organized oppression and rapacity of the religious fraternities, would have secured improved civil and criminal procedure in courts, and have guaranteed, in many ways, improvements in the fiscal and social conditions of the people. The repudiation by the Spanish Government of these conditions, made by General Primo di Rivera, now left the rebel leaders, who had for the most part gone to Hongkong, free to act. And it was in pursuance of that freedom of action that Aguinaldo again sought counsel of his friends in Saigon and Singapore, with a view to the immediate resumption of operations in the Philippines.

Meantime Mr. Bray, whose assistance to this journal on matters connected with the Philippines has been very considerable, as our readers will have seen, was introduced by the editor of the Singapore Free Press to Mr. Spencer Pratt, consul-general of the United States, who was anxious, in view of contingencies, to learn as much as possible about the real condition of the Philippines. It was a few days after this that Aguinaldo arrived incognito in Singapore, when he at once met his friends, including Mr. Bray.

Affairs now becoming more warlike, Mr. Bray, after conversation with Mr. Spencer Pratt, eventually arranged an interview between that gentleman and General Aguinaldo, which took place late on the evening of Sunday, the 24th April, at "The Mansion," River Valley road. There were present on that occasion Gen. Emilio Aguinaldo y Fami, Mr. E. Spencer Pratt, consul-general United States of America; Mr. Howard W. Bray; Aguinaldo's private secretary, Mr. J. Leyba; Col. M. H. del Pilar, and Dr. Marcelino Santos.

During this conference, at which Mr. Bray acted as interpreter, General Aguinaldo explained to the American consul-general, Mr. Pratt, the incidents and objects of the late rebellion, and described the present disturbed state of the country. General Aguinaldo then proceeded to detail the nature of the cooperation he could give, in which he, in the event of the American forces from the squadron landing and taking possession of Manila, would guarantee to maintain order and discipline amongst the native troops and inhabitants in the same humane way in which he had hitherto conducted the war, and prevent them from committing outrages on defenseless Spaniards beyond the inevitable in fair and honorable warfare. He further declared his ability to establish a proper and responsible government on liberal principles, and would be willing to accept the same terms for the country as the United States intend giving to Cuba.

The consul-general of the United States, coinciding with the general views expressed during the discussion, placed himself at once in telegraphic communication with Admiral Dewey at Hongkong, between whom and Mr. Pratt a frequent interchange of telegrams consequently took place.

As a result another private interview was arranged at the American consular residence at the Raffles Hotel between General Aguinaldo, Mr. Spencer Pratt, Mr. Howard Bray, and Mr. Leyba, private secretary to General Aguinaldo.

As a sequel to this interview, and in response to the urgent request of Admiral Dewey, General Aguinaldo left Singapore for Hongkong by the first available steamer, the Peninsular and Oriental *Malacca*, on Tuesday, the 26th April, at noon, accompanied by his aide-de-camp, Captain del Pilar, and Mr. Leyba, his private secretary.

The only interview or conversation with any strangers that General Aguinaldo had during his stay in Singapore other than the above interviews was during a visit paid by General Aguinaldo to Mr. W. G. St. Clair, editor of the Singapore Free Press, at the office of this journal. On that occasion General Aguinaldo was accompanied by Mr. Bray and Mr. Leyba.

Throughout the whole stay of General Aguinaldo in Singapore the editor was kept fully informed daily of the progress of affairs. Naturally, however, all statement of what occurred has been withheld by us until what has been deemed the fitting moment has arrived.

The substance of the whole incident in its relations to the recent course of affairs in the Philippines has been very fully telegraphed by the editor both to New York and London.

The influence of the incident on the future of the Philippines may prove to be of a far-reaching historical character.

AGUINALDO'S POLICY.

General Aguinaldo's policy embraces the independence of the Philippines, whose internal affairs would be controlled under European and American advisers. American protection would be desirable temporarily, on the same lines as that which might be instituted hereafter in Cuba. The ports of the Philippines would be free to the trade of the world, safeguards being enacted against an influx of Chinese aliens who would compete with the industrial population of the country. There would be a complete reform of the present corrupt judicature of the country under experienced European law officers. Entire freedom of the press would be established, as well as the right of public meeting. There would be general religious toleration, and steps would be taken for the abolition and expulsion of the tyrannical religious fraternities who have laid such strong hands on every branch of civil administration. Full provision would be given for the exploitation of the natural resources and wealth of the country by roads and railways, and by the removal of hindrances to enterprise and investment of capital. Spanish officials would be removed to a place of safety until opportunity offered to return them to Spain. The preservation of public safety and order, and the checking of reprisals against Spaniards would, naturally, have to be a first care of the government in the new state of things.

Mr. Pratt to Mr. Day.

No. 223.] CONSULATE-GENERAL OF THE UNITED STATES,
Singapore, May 20, 1898.

SIR: I have the honor to submit for your consideration a proclamation in Spanish, issued prior to the departure of our fleet for Manila by the insurgent leaders in Hongkong, calling upon the Filipinos not to obey the appeal of the Spaniards to oppose the Americans, but to rally in support of these, as they came as their friends and liberators.

Three copies of the English translation of the above I also inclose for handing to the press, should that, in your opinion, seem advisable.

I have the honor to be,

E. SPENCER PRATT,
United States Consul-General.

[Inclosure.]

AMERICA'S ALLIES—THE MANIFESTO OF THE FILIPINOS.

The following is a translation from the Spanish of a proclamation of the rebel leaders in Hongkong, sent over to the Philippines in advance of the American squadron:

Compatriots: Divine Providence is about to place independence within our reach, and in a way the most free and independent nation could hardly wish for.

The Americans, not from mercenary motives, but for the sake of humanity and the lamentations of so many persecuted people, have considered it opportune to extend their protecting mantle to our beloved country, now that they have been obliged to sever relations with Spain, owing to the tyranny this nation is exercising in Cuba, causing enormous injury to the Americans, who have such large commercial and other interests there.

At the present moment an American squadron is preparing to sail for the Philippines.

We, your brothers, are very much afraid that you may be induced to fire on the Americans. No, brothers, never make this mistake. Rather blow your own brains out than fire a shot or treat as enemies those who are your liberators.

Your natural enemies, your executioners, the authors of your misery and unhappiness, are the Spaniards who govern you. Against these you must raise your weapons and odium; understand well, against the Spaniards and never against the Americans.

Take no notice of the decree of the Governor-General calling you to arms, although it may cost you your lives. Rather die than be ungrateful to our American liberators.

The Governor-General calls you to arms. What for? To defend your Spanish tyrants? To defend those that have despised you, and even in public speeches asked for your extermination—those that have treated you little better than savages? No! No! A thousand times no!

Give a glance at history and you will see that all Spain's wars in Oceania have sacrificed Philippine blood. We have been put to fight in Cochin-China to assist the French in an affair that in no way concerned the Philippines. We were compelled to spill our blood by Simon de Anda against the English, who in any case would have made better rulers than the Spaniards. Every year our children are taken away to be sacrificed in Mindanao and Sulu, on the pretense of making us believe these people are our enemies, when in reality they are our brothers, like us fighting for their independence.

After having sacrificed our blood against the English, against the Annamites, against the people of Mindanao, etc., what recompense or thanks have we received from the Spanish Government? Obscurity, poverty, the butchery of those dear to us. Enough, brothers, of this Spanish tutelage.

Take note, the Americans will attack by sea and prevent any reenforcements coming from Spain; therefore we insurgents must attack by land. Probably you will have more than sufficient arms, because the Americans have arms and will find means to assist us.

There, where you see the American flag flying, assemble in numbers; they are our redeemers.

Our unworthy names are as nothing, but one and all of us invoke the name of the greatest patriot our country has seen, in the sure and certain hope that his spirit will be with us in these moments and guide us to victory—our immortal José Rizal.

Mr. Pratt to Mr. Day.

No. 225.] CONSULATE-GENERAL OF THE UNITED STATES,
Singapore, June 2, 1898.

SIR: I have the honor to submit inclosed a telegram from Hongkong of the 25th ultimo, on the situation in the Philippines, published in Singapore yesterday afternoon, the 1st instant.

Considering the enthusiastic manner General Aguinaldo has been received by the natives and the confidence with which he already appears to have inspired Admiral Dewey, it will be admitted, I think, that I did not overrate his importance and that I have materially assisted the cause of the United States in the Philippines in securing his cooperation.

Why this cooperation should not have been secured to us during the months General Aguinaldo remained awaiting events in Hongkong, and that he was allowed to leave there without having been approached in the interest of our Government, I can not understand.

No close observer of what had transpired in the Philippines during the past four years could have failed to recognize that General Aguinaldo enjoyed above all others the confidence of the Filippino insurgents and the respect alike of Spaniards and foreigners in the islands, all of whom vouched for his high sense of justice and honor.

I have the honor to be, etc.,

E. SPENCER PRATT,
United States Consul-General.

[Inclosure in dispatch No. 125.]

[The Singapore Free Press, Wednesday, June 1, 1898. Hongkong Telegraph, 25th.]

THE WAR—THE SITUATION IN THE PHILIPPINES.

The Japanese cruiser *Akitsushima* arrived here yesterday from Manila, and the following is the latest news:

General Aguinaldo arrived by the *McCulloch* on the 19th instant, and was received with great enthusiasm by the natives.

Admiral Dewey was very much pleased with him, and has turned over to him two modern field pieces and 300 rifles, with plenty of ammunition.

General Aguinaldo is now organizing an attack on the Spanish land forces, and a decisive battle may be expected soon.

The Manila papers are publishing sensational articles hourly, among which is that the U. S. S. *Baltimore* is so used up in the late engagement that the American admiral decided to scuttle her.

The archbishop has assured the people that four Spanish battle ships are on their way out, and that God has informed him that in the next engagement the armies of the most Christian Spain will be victorious.

Mr. Pratt to Mr. Day.

No. 228.] CONSULATE-GENERAL OF THE UNITED STATES,
Singapore, June 8, 1898.

SIR: I have the honor to submit an article from the London Spectator, which was reproduced in the Singapore Free Press of yesterday, and a reply thereto, published to-day in the same paper, which last, I think, is deserving of special consideration as being the expression of opinion of Mr. H. W. Bray, one of the best authorities on the Philippines and the Filipinos.

I have the honor to be, etc.,

E. SPENCER PRATT,
United States Consul-General.

[Inclosure 1.—Singapore Free Press, June 7, 1898.]

THE FATE OF THE PHILIPPINES.

We take it to be certain, in spite of interruptions in the telegraphic service, that Manila has surrendered; that the Tagal population will hold the larger Philippine Islands, subject to guidance from leaders recognized by the Americans; and that the latter will never, whatever the ultimate issue of the war, hand the colony back to Spain. They are more governed by moral considerations than their enemies choose to think, and a conviction that Spaniards are incurably cruel, are, in fact, born inquisitors, has sunk deeply into their minds. To an American the Spaniard, it should be remembered, is not the man of the Peninsular war, but the man who conquered the Americas and so misgoverned them that his own people rose upon him in unquenchable fury. The Americans will have, therefore, at the close of the war, to decide how their newly acquired property shall be disposed of, and already fierce jealousies and far-reaching ambitions have been awakened throughout Europe.

America, it is said, will not keep the islands; and if they are to be sold, either for money or for territory, to whom are they to go? Their possession might disturb "the balance of power" in the far East. England, it is said, must not have them, because she has already too much; Germany, because her designs upon China would thereby be facilitated; Russia, because she would be too near Australia; and France, because she may choose in the next war to act as Russia's obedient ally. Japan, as a pagan power, is out of the question when two and a half millions of Christians have to be disposed of; and it is very doubtful whether Holland would undertake the laborious task of reducing the Philippines to order. She succeeds in Java after a fashion, and might make a heavy bid for a second tropical estate, but the attempt to form a colonial army seems beyond her strength. She has been trying through a whole generation to conquer Acheen, and the fierce little Malay State holds her successfully at bay. These arguments and many like them will be urged on the Americans by the chancelleries of Europe, which are already twittering with excitement and putting out little feelers, and looking at Manila like children at a cake which they want badly but think it decorous not to ask for or see.

We think the Americans will keep the Philippines; we hope they will, most heartily, and we can show that they have the means of doing so with little trouble to themselves. We think they will keep them because we think that the Americans will emerge from this war with new ideas and larger ambitions. They will have defeated a second-class European State, and will feel acutely that as matters stand they would have been defeated by a first-class one. They could not have fought France, to say nothing of Great Britain, without suffering great defeats at sea and enormous losses by land. That is not a position which suits the American temper, and Washington will therefore set itself to construct a first-class iron fleet. They can do that at home with twice the rapidity of the Japanese, because they have a hundred times the Japanese command of money, and they can man the fleet when constructed by sweeping all the shiftless boys of the Union, as they are doing already, into great naval schools, one for each State. That fleet once built, the desire for a position in the world equal to their position among nations, for islands as coaling stations, for posts of vantage if Europe threatens them, will induce, or, indeed, compel them to give up their idea of nonintervention, which already, as we see, has given way the moment their deeper emotions are stirred.

Already, before the war has well begun, they are threatening Cuba, Porto Rico, Hawaii, and the Philippines, and as soon as it is over and the fleet built they will open the Nicaragua Canal, claiming right of free passage through it for their battle ships, and change their Monroe doctrine into a direct and effective protectorate of the two Americas. They will, we believe, from the first hesitate to give up the Philippines, partly because the islands provide admiral stations for their fleet, but chiefly because they are determined that China, which is their biggest natural foreign market, shall not be closed to their trade. They must be ready to strike, if need be, on the Chinese coast, and to strike hard; and seeing that, they will not give up islands which offer them impregnable defenses for their dockyards, their coal vaults, and their arsenals. To retain them is, of course, to give up their traditional policy of noninterference in the politics of the world; but we confess we have not much faith in self-denying politics of that kind. To shake down an ancient European throne is surely interference with Europe of a definite kind, and they are doing that already. The people of the United States have not realized their new position yet, but when they do, we shall hear, we feel confident, much less of nonintervention.

We think America will keep the Philippines and we heartily hope it. She will govern them well enough, much better than any power except ourselves, and we have more of the world's surface than we can well manage. It is true that the position in the Pacific would be magnificent: that we can create a civil service by a mere advertisement in the Gazette, the educated middle class thirsting for more

careers," and that we could garrison the islands with Sikhs and Afridis, to the delight of both, without risking a single bone of "Tommy Atkins," but we can not undertake to govern the whole dark world. The envy we excite is already too great, and the strain upon the mental power of those who govern is already excessive, so excessive that we fear there is already a faltering at the center of affairs, produced not by timidity, but by a just sense that for England to do anything anywhere is to stir the water which envelops the world and drive a wave upon some coast it is not intended to attack.

It would be a relief if another English-speaking power would take up a portion of our task, and in taking it perform the duty of repaying something to the world which yields her such advantages. The "weary Titan," in fact, needs an ally while traversing "the too vast orb of his fate," and the only ally whose aspirations, ideas, and language are like his own is the great American people. The Frenchman is too fickle, the Russian too full of guile, and the German too harsh in his treatment of all who do not think that to be drilled is the first, if not the only duty of man.

We hope the Americans will keep the Philippines, and that they can keep them we have no doubt whatever. Europe, to put the truth in its most brutal form, can not attack them without our permission, and the constitutional difficulty is all rubbish, as Congress can make laws for territories, or declare the islands to be held, like Bosnia, as lands "in temporary military occupation" of the United States. The Americans are not governing Manila to-day through the universal suffrage of the Tagals, and need not therefore govern it to-morrow, while as to the means of holding the islands they have a resource of which no one has spoken hitherto, but to which, as an instrument of power, there is hardly a limit. No one doubts that the States can produce and train any amount of officers, and they have, like ourselves, the means of enlisting a large and effective Sepoy army.

They have already 4,000 or 5,000 negro troops who have distinguished themselves in the Indian wars, and who are now about to be dispatched to Cuba because they are "immune" from yellow fever. Nothing stops the Americans from raising the negro force to 20,000 men—there are now 9,000,000 of colored people under the Stars and Stripes—and with them holding the Philippines, Hawaii, and Porto Rico, paying them out of local revenues. With such a garrison those islands would be as safe as drawing-rooms and as full of business as Broadway or the Strand. There is really no obstacle, for the prejudice of color, as fierce as it is in the States, would not operate against a colonial army, more especially if that army were a good one. And it would be a good one. The bravery of the trained negro is never questioned, he is accustomed not only to obey, but to respect white officers, and the tropical regions in which he would be stationed exactly suit not only his constitution, but his notion of that which constitutes happiness in life. Instead of remaining a source of weakness to the Union, he can be turned by wise and lenient management into an instrument of empire.

We do not, be it observed, give way for one moment to the theory that white men can not retain their energy in the tropics—nearly the whole of Brazil is within their limit; but if white Americans dislike service in lands so warm they have millions of dark Americans who do not, and who are as proud of the greatness of the Republic, and, if decently treated, as faithful to its flag, as any of their lighter brethren. The Americans are waking up to a perception of the value of this instrument of force, and when once they have fully realized it we shall hear little of their difficulty in garrisoning distant possessions inhabited by dark tribes. The Tagals will not feel insulted because the garrison which keeps their villages safe is only white at the top.

[Inclosure 2—Singapore Free Press, June 8, 1898.]

THE FATE OF THE PHILIPPINES.

The author of the Spectator article quoted in your yesterday's issue under the above heading has put forward one sensible proposition. His theories on other points may be all right, but I am afraid he has reckoned without his host. America has not yet conquered the Philippines—not by a long way—but will occupy them with the assistance and good will of the Filipinos. The possession of Manila no more means the possession of the Philippines than the possession of New York means the possession of America, and without this good will and assistance of the inhabitants I must beg leave to state that neither the United States nor any other nation could ever hope to take the Philippines, except with an army of 200,000 men or more, if even then, no matter what theorists may say to the contrary. The solutions which the European papers have been kind enough to put forward re the disposal of the Philippines may be dismissed with the words of General Augustin's

proclamation: "Vain designs, ridiculous boasts!" When the time comes I am inclined to think the inhabitants themselves are going to have the biggest say in this question, especially after the events of May 30 to June 1 last.

Spain, with an army of 35,000 men fully armed, has been able to do nothing against an army of imperfectly organized Filipinos, who have never disposed to more than 600 rifles. Yet nobody can taunt the Spanish soldier with want of valor, whilst his patient endurance of hardships and privations, indifferent food, and entire absence of personal comforts give him the advantage over other European soldiers, who require an efficient commissariat and transport department. In a country like the Philippines a soldier to be effective must be able to skip from crag to crag like a goat, without hindrance or paraphernalia, to be evenly matched with the inhabitants.

The Tagals will feel very much insulted if they try to garrison their villages by troops of the type proposed by the writer of the article under review. It would be a dangerous experiment. I would not advise the Americans or any one else to try. Such crass ignorance on the state of the Philippines and its inhabitants exists on every side, that it is almost useless to try and explain to outsiders that the Philippines are as different from British India, Ceylon, Burma, the West Indies, etc., as light is from darkness. The people are the most enlightened and vigorous branch of the Malay race, and have been Christians for centuries, in fact longer than the principles of the Reformation were established in Great Britain, and are the nearest akin to Europeans of any alien race, and it is simply ridiculous to imagine that eight to ten millions of such people can be bought and sold as an article of commerce without first obtaining their consent. Let all those who are greedy for a slice of the archipelago ponder well over this before burning their fingers.

To put them on a level with Sikhs and Afridis is simple nonsense. The much overestimated Sikh would find his match pretty soon with the sturdy Philippine native, and those who think differently had better read what no less an authority than General Gordon says of his Philippine troops in the Taiping rebellion.

No decent or respectable Filipino will tolerate any social relations with the pagan Chinese.

The only possible solution of the Philippine question is an independent government, under American protection, and this is the policy I recommended General Aguinaldo and his compatriots to accept, and which will, no doubt, be carried out. Time will show.

H. W. BRAY.

SINGAPORE, *8th June, 1898.*

Mr. Pratt to Mr. Day.

No. 229.] CONSULATE-GENERAL OF THE UNITED STATES,
Singapore, June 9, 1898.

SIR: I have the honor to report that this afternoon, on the occasion of the receipt of the news of General Aguinaldo's recent successes near Manila, I was waited upon by the Philippine residents in Singapore and presented an address which, though written in Spanish, was delivered in French, and which I accordingly replied to in that language.

The reports of the proceedings sent me by the editors of the Singapore Free Press and Straits Times, both of whom were present, I submit herewith, with duplicates for the press should you consider their publication desirable.

The original address in Spanish was not left with me, but I am promised it as soon as properly written out, and will then forward it.

My reply, however, I can not forward, as it was not written, but extemporaneous, and has been correctly rendered from the French into English in the within reports, from which you will note that I avoided touching upon the question of our future policy re the Philippines.

I have the honor, etc.,

E. SPENCER PRATT,
United States Consul-General.

[Inclosures.—The Straits Times, June 9.]

MR. SPENCER PRATT SERENADED—MEETING OF FILIPINO REFUGEES AT THE UNITED STATES CONSULATE—THEY PRESENT AN ADDRESS TO MR. SPENCER PRATT AND DRINK TO AMERICA, ENGLAND, AND ADMIRAL DEWEY.

The United States consulate at Singapore was yesterday afternoon in an unusual state of bustle. That bustle extended itself to Raffles Hotel, of which the consulate forms an outlying part. From a period shortly prior to 5 o'clock, afternoon, the natives of the Philippines resident in Singapore began to assemble at the consulate. Their object was partly to present an address to Hon. Spencer Pratt, United States consul-general, and partly to serenade him, for which purpose some twenty-five or thirty of the Filipinos came equipped with musical instruments. Gradually the crowd gathered in the vicinity of the United States consulate, and, after a little quiet preliminary music, Dr. Santos, as representing the Philippine community in Singapore, proceeded to read the following address, which was originally drafted in Spanish and then translated into French. The address was read in French, and the following is an English translation:

THE ADDRESS.

"To the Hon. Edward Spencer Pratt, consul-general of the United States of North America, Singapore:

"SIR: The Philippine colony resident in this port, composed of representatives of all social classes, have come to present their respects to you as the legitimate representative of the great and powerful American Republic, in order to express our eternal gratitude for the moral and material protection extended by Admiral Dewey to our trusted leader Gen. Emilio Aguinaldo, who has been driven to take up arms in the name of 8,000,000 Filipinos, in defense of those very principles of justice and liberty of which your country is the foremost champion. Our countrymen at home, and those of us residing here, refugees from Spanish misrule and tyranny in our beloved native land, hope that the United States, your nation, persevering in its humane policy will efficaciously second the programme arranged between you, sir, and General Aguinaldo in this port of Singapore, and secure to us our independence under the protection of the United States. Our warmest thanks are especially due to you, sir, personally, for having been the first to cultivate relations with General Aguinaldo, and arrange for the cooperation with Admiral Dewey, thus supporting our aspirations which time and subsequent actions have developed and caused to meet with the applause and approbation of your nation. Finally, we request you to convey to your illustrious President and the American people, and to Admiral Dewey, our sentiments of sincere gratitude and our most fervent wishes for their prosperity.

"SINGAPORE, *June 8, 1898.*"

Dr. Santos, having presented the above address to Mr. Spencer Pratt, proceeded, speaking in French, to state his belief that the Filipinos would prove and were now proving themselves fit for self-government. While it would be very desirable that such a government should be under American protection, yet it would be found that the brave Filipinos, who were now driving the Spanish troops before them, were quite fit also to fill offices of civil administration. Referring to certain news which had been telegraphed from Europe, Dr. Santos deprecated the transfer of the Philippines from Spain to any power. He was quite confident that the sympathy of the American people would be with a nation who were struggling to be free.

THE UNITED STATES CONSUL-GENERAL REPLIES.

After listening to the address the United States consul-general, also speaking in French, said:

"Gentlemen, the honor you have conferred upon me is so unexpected that I can not find appropriate words with which to thank you and with which to reply to the eloquent address you have just read to me. Rest assured, though, that I fully understand and sincerely appreciate the motives that have prompted your present action and that your words, which have sunk deep in my heart, shall be faithfully repeated to the President, to Admiral Dewey, and to the American people—from whom I am sure that they will meet with full and generous response. A little over a month ago the world resounded with the praises of Admiral Dewey and his fellow-officers and men for a glorious victory won by the American Asiatic Squadron in the Bay of Manila. Now we have news of the brilliant achievements of your own distinguished leader, Gen. Emilio Aguinaldo, cooperating on land with the Americans at

sea. You have just reason to be proud of what has been and is being accomplished by General Aguinaldo and your fellow-countrymen under his command. When, six weeks ago, I learned that General Aguinaldo had arrived incognito in Singapore, I immediately sought him out. An hour's interview convinced me that he was the man for the occasion; and, having communicated with Admiral Dewey, I accordingly arranged for him to join the latter, which he did, at Cavite. The rest you know.

"I am thankful to have been the means, though merely the accidental means, of bringing about the arrangement between General Aguinaldo and Admiral Dewey, which has resulted so happily. I can only hope that the eventful outcome will be all that can be desired for the happiness and welfare of the Filipinos. My parting words to General Aguinaldo were, 'General, when you have proved yourself great, prove yourself magnanimous,' and from the treatment accorded to the recent Spanish prisoners it would appear that he had done so." [Applause.]

At the conclusion of Mr. Pratt's speech refreshments were served, and as the Filipinos, being Christians, drink alcohol, there was no difficulty in arranging as to refreshments. "Long life and prosperity" were drunk to Mr. Consul-General Spencer Pratt. Then the American Republic was cheered. Then Commodore Dewey was cheered for his gallant victory. Then England was cheered for sheltering the Filipino refugees.

PRESENTING A FLAG.

Then Dr. Santos, as the spokesman of the Filipino refugees, again addressed the audience with many complimentary remarks on the gallantry of Admiral Dewey and the skill and foresight of United States Consul-General Pratt, and with glowing forecasts of the prosperity that awaited the Philippine Islands under the new regime. He expressed a desire to have an American flag as a reminiscence of the day's proceedings. Mr. Spencer Pratt, again speaking in French, replied, saying:

"This flag was borne in battle, and is the emblem of that very liberty that you are seeking to attain. Its red stripes represent the blood that was shed for the cause; the white represents the purity of the motive; the blue field stands for the azure of the sky; the stars are the free and independent States of the Union. Take the flag and keep it as a souvenir of this occasion."

At the conclusion of Mr. Pratt's speech, he handed an American flag to Dr. Santos, who received it reverently, and waved it exultantly amidst the cheers of the assembled Filipinos. The flag would, said Dr. Santos, be preserved so that future generations might look at it with pride.

[Singapore Free Press, June 9, 1898.]

MR. SPENCER PRATT AND THE FILIPINOS OF SINGAPORE—AN ADDRESS OF CONGRATULATION.

A little after 5 p. m. last evening a numerous deputation, consisting of all the Filipinos resident in Singapore, waited upon the American consul-general, Mr. Spencer Pratt, at his residence, and presented him with an address congratulatory of the American successes in the present war, and expressive of the thanks of the Filipino community here for the aid now being given by the United States to the aspirations of the Filipino people for national freedom. There were also present Mr. W. G. St. Clair, editor of the Singapore Free Press; Mr. A. Reid, editor of the Straits Times, and Mr. Howard W. Bray, whose active sympathies with the Filipino nation are so well known as to entitle him to be styled "Aguinaldo's Englishman." Mr. Spencer Pratt and Mr. Bray both wore the badge of the Liga Filipina, presented to them by General Aguinaldo during his incognito visit to Singapore.

After Mr. Bray had performed the ceremony of introducing the deputation to Consul-General Spencer Pratt, Dr. Santos, the chief Filipino refugee here, who has been educated at Barcelona and Paris, delivered the address of which the following is a translation:

"To the Hon. Edward Spencer Pratt,

"*Consul-General of the United States of North America, Singapore.*

"SIR: The Filipino colony resident in this port, composed of representatives of all social classes, have come to present their respects to you as the legitimate representative of the great and powerful American Republic, in order to express our eternal gratitude for the moral and material protection extended by Admiral Dewey to our trusted leader Gen. Emilio Aguinaldo, who has been driven to take up arms in the name of 8,000,000 Fillipinos in defense of those very principles of justice and liberty, of which your country is the foremost champion.

Our countrymen at home, and those of us residing here, refugees from Spanish misrule and tyranny in our beloved native land, hope that the United States, your nation, persevering in its humane policy, will efficaciously second the programme

arranged between you, sir, and General Aguinaldo in this port of Singapore, and secure to us our independence under the protection of the United States.

Our warmest thanks are especially due to you, sir, personally, for having been the first to cultivate relations with General Aguinaldo and arrange for his cooperation with Admiral Dewey, thus supporting our aspirations which time and subsequent actions have developed and caused to meet with the applause and approbation of your nation.

"Finally we request you to convey to your illustrious President and the American people, and to Admiral Dewey, our sentiments of sincere gratitude and our most fervent wishes for their prosperity.

"SINGAPORE, *June 8, 1898.*"

The address, which was written in Spanish, and read in French by Doctor Santos, the spokesman, was replied to in French by Mr. Spencer Pratt, to the following effect:

"Gentlemen, the honor you have conferred upon me is so unexpected that I can not find appropriate words with which to thank you, with which to reply to the eloquent address you have just read to me. Rest assured, however, that I fully understand and sincerely appreciate the motives that have prompted your present action, and that your words, which have sunk deep in my heart, shall be faithfully repeated to the President, to Admiral Dewey, and to the American people, from whom, I am sure, they will meet with full and generous response. A little over a month ago the world resounded with the praise of Admiral Dewey and his fellow officers and men for a glorious victory won by the American Asiatic Squadron in the bay of Manila. To-day we have the news of the brilliant achievements of your own distinguished leader, Gen. Emilio Aguinaldo, cooperating on land with the Americans at sea. You have just reason to be proud of what has been and is being accomplished by General Aguinaldo and your fellow-countrymen under his command. When, six weeks ago, I learned that General Aguinaldo had arrived incognito in Singapore, I immediately sought him out. An hour's interview convinced me that he was the man for the occasion, and having communicated with Admiral Dewey, I accordingly arranged for him to join the latter, which he did at Cavite. The rest you know.

"I am thankful to have been the means, though merely the accidental means, of bringing about the arrangement between General Aguinaldo and Admiral Dewey, which has resulted so happily. I can only hope that the eventual outcome will be all that can be desired for the happiness and welfare of the Filipinos. My parting words to General Aguinaldo were, 'General, when you have proved yourself great, prove yourself magnanimous,' and from the generous treatment that we understand he has accorded to the Spanish prisoners taken in the recent fight he has done so." [Applause.]

Dr. Santos then addressing his fellow-countrymen (Paysanos), called for successive vivas for the President of the United States, for Admiral Dewey, and for Consul-General Pratt; for England, the "nation hospitalière," and for the editors of the Singapore Free Press and Straits Times. Consul-General Pratt called for "vivas" for General Aguinaldo and the Filipino people.

Mr. Spencer Pratt subsequently presented an American flag to Dr. Santos, for the Filipino deputation. This flag, he said, was borne in battle, and is the emblem of that very liberty that you are seeking to attain. Its red stripes represent the blood that was shed for the cause, the white the purity of the motive, the blue field the azure of the sky, the stars the free and independent States of the Union. Take it and keep it as a souvenir of this occasion.

On receiving the flag from the consul's hands Dr. Santos called for three cheers for the American nation, waving the flag on high, and stating that the Filipinos would always cherish this emblem, which would be preserved for future generations to look upon with pride.

A band of Filipino musicians was in attendance and played a selection of music, including some very pretty melodies of their native land.

This interesting ceremony terminated about 6 p. m.

Mr. Day to Mr. Pratt.

[Telegram.]

DEPARTMENT OF STATE, *June 16, 1898.*

Two hundred twelve received and answered. Avoid unauthorized negotiations with Philippine insurgents.

DAY.

Mr. Day to Mr. Pratt.

No. 78.] DEPARTMENT OF STATE,
Washington, June 16, 1898.

SIR: I have to acknowledge receipt of your confidential dispatch No. 212, of the 28th of April last, in which you report your proceedings in bringing together the insurgent general Emilio Aguinaldo and Admiral Dewey, before the latter's departure for Manila. It appears that your meeting with General Aguinaldo was brought about through the good offices of Mr. H. W. Bray, a British subject, who had been compelled by the disturbed condition of things in the Philippines to abandon his property and business there, and that, after an interview with General Aguinaldo, you telegraphed to Admiral Dewey that the insurgent leader would come to Hongkong to arrange for a general cooperation of the insurgents, if this should be desired. The admiral telegraphed in reply: "Teli Aguinaldo come as soon as possible." As a consequence General Aguinaldo, with his aid-de-camp and private secretary, left Singapore for Hongkong on the 26th of April for the purpose of joining Admiral Dewey. You promise the Department a fuller account of your interview with General Aguinaldo by the next mail, and say that in arranging for his "direct cooperation" with the commander of the United States forces you have prevented a possible conflict of action and facilitated the work of occupying and administering the Philippines.

The Department observes that you informed General Aguinaldo that you had no authority to speak for the United States; and, in the absence of the fuller report which you promise, it is assumed that you did not attempt to commit this Government to any alliance with the Philippine insurgents. To obtain the unconditional personal assistance of General Aguinaldo in the expedition to Manila was proper, if in so doing he was not induced to form hopes which it might not be practicable to gratify. This Government has known the Philippine insurgents only as discontented and rebellious subjects of Spain, and is not acquainted with their purposes. While their contest with that power has been a matter of public notoriety, they have neither asked nor received from this Government any recognition. The United States, in entering upon the occupation of the islands, as the result of its military operations in that quarter, will do so in the exercise of the rights which the state of war confers, and will expect from the inhabitants, without regard to their former attitude toward the Spanish Government, that obedience which will be lawfully due from them.

If, in the course of your conferences with General Aguinaldo, you acted upon the assumption that this Government would cooperate with him for the furtherance of any plan of his own, or that, in accepting his cooperation, it would consider itself pledged to recognize any political claims which he may put forward, your action was unauthorized and can not be approved.

Respectfully yours, WILLIAM R. DAY.

Mr. Pratt to Mr. Moore.

No. 235.] CONSULATE-GENERAL OF THE UNITED STATES,
Singapore, June 20, 1898.

SIR: I have the honor to report that I have received the Department's cipher telegram reading thus:

WASHINGTON, *June 17.*

PRATT, Consul-General,
Singapore:

Two hundred and twelve received and answered. void unauthorized negotiations with Philippine insurgents.

DAY.

and that I have sent the Department the following cipher telegram in reply:

SINGAPORE, *June 19.*

SECRETARY OF STATE,
Washington:

No intention negotiate. Left that Dewey who desired Aguinaldo come.

PRATT.

which means that I neither have nor had any intention to negotiate with the Philippine insurgents, and, in the case of General Aguinaldo, was especially careful to leave such negotiations to Commodore Dewey.

My action in the matter was indeed limited to obtaining the assurance of General Aguinaldo's willingness to cooperate with our forces, communicating this to Commodore Dewey, and, upon the latter's expressing the desire that he should come on as soon as possible, arranging for the general to do so.

I shall anxiously await the instruction your telegram refers to for the Department's opinion of my above course, but can scarcely believe, in view of the motives which prompted it and the excellent results which have ensued, that it can be altogether disapproved.

I have, etc.,

E. SPENCER PRATT.

Mr. Pratt to Mr. Moore.

No. 236.] CONSULATE-GENERAL OF THE UNITED STATES,
Singapore, June 21, 1898.

SIR: In continuation of my dispatch No. 235, of the 20th instant, I beg to state that if, in regard to General Aguinaldo, I arranged directly with Commodore Dewey without obtaining the Department's previous authorization it was because of the little time there was in which to act and the practical impossibility of explaining by cable to the Department the value of the general's cooperation, of which I felt the commodore would already be in a position to judge from what he must have learned of the situation while at Hongkong.

I beg further to state that it was not only on account of the material aid I was confident he could lend us that I regarded the cooperation of General Aguinaldo as so desirable, but also because, as the recognized leader of the insurgents, he was, I considered, the one best able to direct and influence them, and therefore the one most important for our commander to have under immediate control, both as concerned the present and future policy of our Government in the Philippines, whatever that policy might be.

Had it not been arranged for General Aguinaldo thus to cooperate with us it is more than probable that he would have returned to the islands of his own accord and undertaken independent operations, which might, I fear, have caused us serious embarrassment. I am not having, nor do I propose to have, any further dealings here with the Philippine insurgents.

I have the honor, etc.,

E. SPENCER PRATT,
United States Consul-General.

Mr. Cridler to Mr. Pratt.

No. 82.] DEPARTMENT OF STATE,
Washington, June 25, 1898.

SIR: I have to acknowledge the receipt of your dispatches, Nos. 214 (May 1) and 217 (May 5, 1898), in regard to arrangements made with Aguinaldo for cooperation with our Navy.

In reply I have to inform you that the Department is pleased to learn that you did not make any political pledges to Aguinaldo.

Respectfully, yours,

THOS. W. CRIDLER,
Third Assistant Secretary.

Mr. Cridler to Mr. Pratt.

No. 84.] DEPARTMENT OF STATE,
Washington, July 9, 1898.

SIR: I have to acknowledge the receipt of your dispatch No. 222 bis of May 18 last, in regard to the expenses incurred in relieving the American refugee from the Philippines.

You will please ascertain and report the amount necessarily expended in this matter by the British vice-consul at Cebu.

The $30 expended by you in sending Mr. Dorr to Hongkong is covered by the Department's telegram to relieve immediate necessities.

Respectfully, yours,

THOS. W. CRIDLER,
Third Assistant Secretary.

Mr. Day to Mr. Pratt.

No. 87.] DEPARTMENT OF STATE,
Washington, July 20, 1898.

SIR: Your No. 229 of the 9th ultimo, inclosing printed copies of a report from the Straits Times of the same day, entitled "Mr. Spencer Pratt's Serenade," with a view to its communication to the press, has been received and considered.

By Department's telegram of the 17th of June you were instructed to avoid unauthorized negotiations with the Philippine insurgents.

The reasons for this instruction were conveyed to you in my No. 78 of the 16th of June, by which the President's views on the subject of your relations with General Aguinaldo were fully expressed.

The extract now communicated by you from the Straits Times of the 9th of June has occasioned a feeling of disquietude and a doubt as to whether some of your acts may not have borne a significance and produced an impression which this Government would be compelled to regret.

The address presented to you by the twenty-five or thirty Filipinos who gathered about the consulate discloses an understanding on their part that the object of Admiral Dewey was to support the cause of General Aguinaldo, and that the ultimate object of our action is to secure the independence of the Philippines "under the protection of the United States."

Your address does not repel this implication, and it moreover represents that General Aguinaldo was "sought out by you," whereas it had been the understanding of the Department that you received him only upon the request of a British subject named Bray, who formerly lived in the Philippines. Your further reference to General Aguinaldo as "the man for the occasion," and to your "bringing about" the "arrangement" between "General Aguinaldo and Admiral Dewey which has resulted so happily," also represents the matter in a light which causes apprehension lest your action may have laid the ground of future misunderstandings and complications.

For these reasons the Department has not caused the article to be given to the press, lest it might seem thereby to lend a sanction to views the expression of which it had not authorized.

Respectfully, yours,

WILLIAM R. DAY.

[Confidential.]

Mr. Pratt to Mr. Moore.

No. 240.] CONSULATE-GENERAL OF THE UNITED STATES,
Singapore, July 2, 1898.

SIR: I have the honor to report that I have learned from reliable private sources that the Sultan of Sulu, who, on his return home from Mecca, stopped over in Singapore, where he still remains, has negotiated or is in the way of negotiating for the transfer of the protectorate of his territory in the Philippines from Spain to British North Borneo, to which, as will be seen by the map, it is adjacent.

This would seem to have special significance at the present juncture, and I have considered that you might deem it of sufficient importance to demand investigation.

After the Sulu war of 1876, it will be remembered, Spain's suzerainty, hitherto disputed, was formally admitted by the Sultan and recognized by both England and Germany in the protocol signed by the powers on the 11th of March, 1877.

I have the honor, etc.,

E. SPENCER PRATT,
United States Consul-General.

Mr. Pratt to Mr. Day.

[Confidential.]

No. 250.] CONSULATE-GENERAL OF THE UNITED STATES,
Singapore, July 28, 1898.

SIR: I have the honor to acknowledge the receipt of your instruction No. 78, of the 16th ultimo, in reply to my dispatch No. 112, of the 28th of April last, reporting my proceedings in bringing together the insurgent leader, Gen. Emilio Aguinaldo, and Admiral Dewey before the latter's departure for Manila.

I have carefully considered your observations upon my action in this matter and beg to repeat what I have stated in my later dispatches on the same subject, that I declined even to discuss with General Aguinaldo the question of the future policy of the United States with regard to the Philippines, that I held out no hopes to him of any kind, committed the Government in no way whatever, and, in the course of our confidences, never acted upon the assumption that the Government would cooperate with him—General Aguinaldo—for the furtherance of any plan of his own, nor that, in accepting his said cooperation, it would consider itself pledged to recognize any political claims which he might put forward.

I have the honor, etc., E. SPENCER PRATT,
United States Consul-General.

Mr. Cridler to Mr. Pratt.

No. 90.] DEPARTMENT OF STATE,
Washington, August 2, 1898.

SIR: I have to acknowledge the receipt of your No. 235 and No. 236 of June 20 and 21, 1898, concerning the Philippine insurgents and your action regarding them.

In this connection reference is made to the Department's instructions No. 78 of June 16 and No. 87 of July 20, 1898, as well as to the concluding paragraph of your No. 236, wherein you say that you are not having nor do you propose to have any further dealings with the Philippine insurgents.

Respectfully, yours, THOS. W. CRIDLER,
Third Assistant Secretary.

Mr. Johnson to Mr. Moore.

No. 26.] CONSULATE OF THE UNITED STATES,
Amoy, China, July 8, 1898.

SIR: I have the honor to submit a few facts and comments on conditions prevailing here which are suggested by the supposition that our Government contemplates taking charge of the Philippines, either temporarily or permanently. If the information I offer is already in your possession, then this dispatch can be of no service.

There is a large Chinese population in the Philippines, who constitute the most intelligent class of common laborers, as well as many wealthy merchants. It is estimated that over 90 per cent of these are from Amoy and speak the Amoy dialect. There is a regular line of steamers between Amoy and Manila, and the traffic both in passengers and freight is an important industry.

The Spanish Government maintains a consulate at Amoy for the sole purpose of looking after this trade with the Philippines, and it is

given out here, I am informed, that the consulate will be closed and the affairs turned over to a merchant as soon as the islands pass from Spanish control.

The largest British firms here inform me that Amoy is the most important Chinese port, so far as the Philippines are concerned, and that should we retain them the business in this consulate will increase many fold.

It would under such conditions be inimical to our interests for any other nation to secure any exclusive rights in this province, especially in the vicinity of Amoy. It is reported in the press that Japan is now endeavoring to secure the exclusive right to develop the mines of this province. These include large coal fields near Amoy, as well as extensive deposits of lead, iron, and precious minerals. These coal fields are not yet worked. The Japanese recently secured a concession on the island of Amoy, which is to be developed in the interest of her Formosa trade. She has within a year let the contracts for buildings to the extent of 70,000 yen, and many moves which have attracted my attention confirm the rumor that she has in view a monopoly of the coal and iron and lead of the surrounding mountains.

Amoy has probably the finest harbor in southern China, which is also taken into consideration.

The leading British merchant here, Mr. Francis Cass, who during the past twenty years has frequently acted as American vice-consul, and whose knowledge is extensive and judgment good, thinks these are facts which should be considered in the event America retains the Philippines.

Amoy's trade with the United States leads that of all other China ports, and is chiefly in the hands of the British. The entire community is jubilant over the prospect of the Manila trade passing under our control. So enthusiastic are they that every possible demonstration of good will has been resorted to. On July 4 every American flag which they could secure was hoisted over their commercial houses during the entire day, and every firm called at the consulate to express congratulations. The German firms were scarcely less cordial in their congratulations. They have suffered in their extensive trade with the Philippines because of certain annoying regulations, and realize that if put upon a similar fair basis to that now prevailing with the United States great good will result.

Not knowing whether these facts are known in the Department or not, I refrain from further details until I know your pleasure.

I have the honor, etc.,

A. BURLINGAME JOHNSON,
United States Consul.

SINGAPORE, *June 30, 1896.*

To His Excellency the President of the United States of America.

YOUR EXCELLENCY: Confirming my letter of 20th instant, I have now the honor to inclose a cover just received from General Aguinaldo, the Philippine insurgent leader, with instructions to forward it by first mail to Your Excellency.

In the letter which General Aguinaldo writes me he states that he incloses a telegram which he desires me to transmit to Your Excellency, but both this and other documents I regret to say have been extracted from the cover during transit.

The envelope arrived here with the side torn away and a note written on the same by your consul-general in Hongkong, through whom it was

forwarded, that it had been received in bad condition from H. M. S. *Linnet.*

I have taken steps to find the missing document, which will be forwarded to Your Excellency if the search proves successful.

I have the honor, etc.,

HOWARD W. BRAY.

[Translation.]

CAVITE, *June 10, 1898.*

To the President of the Republic of the Great North American Nation.

DEAR AND HONORED SIR: I come to greet you with the most tender effusion of my soul, and to express to you my deep and sincere gratitude, in the name of the unfortunate Philippine people, for the efficient and disinterested protection which you have decided to give it, to shake off the yoke of the cruel and corrupt Spanish domination, as you are doing to the equally unfortunate Cuba, which Spain wishes to see annihilated rather than free and independent, giving her, to quiet her and to cicatrize the deep wounds made in her heart by the iniquities committed upon her children, a false autonomy, of which one bold blow of the Governor General may deprive her immediately, as she has no colonial army to serve as a counterpoise to the almost sovereign powers of that supreme authority.

At the same time, as I am always frank and open, I must express to you the great sorrow which all of us Filipinos felt on reading in the Times, a newspaper of the greatest circulation and reputation in the whole world, in its issue of the 5th of last month, the astounding statement that you, sir, will retain these islands until the end of the war, and, if Spain fails to pay the indemnity, will sell them to a European power, preferably Great Britain; but we found a palliative to our sorrow in the improbability and suddenness of that statement, as common sense refuses to believe that so sensible a public man as you would venture to make an assertion so contrary to common sense, before events are entirely consummated, as you well know that if God favors the triumph of your arms to-day, to-morrow He may defeat them and give the victory to Spain, and because such an assertion is not consistent with the protection of which you make a boast toward this unfortunate people, which has been groaning for more than three centuries in the clutches of a nation which has for its shield (emblem) the lion, one of the ferocious animals, although she displays it as a symbol of nobility, which she certainly does not possess, besides the fact that it is opposed to your noble and generous sentiments to wish to sell these islands to a European power such as England, thereby making us pass under the domination of that nation, which, although it has a truly liberal government, partakes none the less of the nature of a tyranny as it is monarchical.

Oh, sir, you are greatly injured by this statement, which ought to be regarded merely as a diplomatic trick invented by the friends of Spain to induce us to help her by using this vile slander which has been hurled against you to arouse our hostility to that powerful nation over whose destinies you happily preside.

The Philippine people, however, have not given credit to that awkwardly invented fable, and have seen in your nation, ever since your fleet destroyed in a moment the Spanish fleet which was here, in spite of its being assisted by the guns of their two forts, the angel who is the harbinger of their liberty; and they rose like a single wave when,

as soon as I trod these shores, I addressed them to gain them over; and they captured, within the period of ten days, nearly the whole garrison of this Province of Cavite, in whose port I have my government—by the consent of the admiral of your triumphant fleet—as well as the garrison of the adjoining Province of Bataan, together with the governors and officials of both provinces; and my valiant hosts are now besieging Manila, the capital, on the south and east, while my forces in the Province of Bulacan, which adjoins this province on the north, and the chief town of which is likewise being besieged by them, nearly surround Manila on the north.

Such is the astonishing triumph which this suffering people has gained in a few days over the conquering race whose traditional valor, of which it is continually bragging, has been humbled on these battle-fields and has been succeeded by a great terror; and a people of such warlike qualities, which is, moreover, thoroughly civilized, as nearly two thirds of them can read and write, and as they have in their midst many men of high attainments in the sciences and arts, should not be sold as if it were a lamb to be sacrificed and exploited for the greed of another nation.

I close by protesting once and a thousand times, in the name of this people, which knows how to fight for its honor by means of its improvised warriors and artillery men, against the statement published by the Times, mainly for the purpose of casting a blot in history upon its glorious name; a people which trusts blindly in you not to abandon it to the tyranny of Spain, but to leave it free and independent, even if you make peace with Spain, and I offer fervent prayers for the ever-increasing prosperity of your powerful nation, to which and to you I shall show unbounded gratitude, and shall repay with interest that great obligation.

Your humble servant,

EMILIO AGUINALDO.

CONSULATE-GENERAL OF THE UNITED STATES.
Hongkong, August 4, 1898.

SIR: By request I have the honor to confirm the following telegram sent you on the 2d instant:

Cortes family, representing wealthy educated families Manila, implore you through Consul-General Wildman, in name humanity and Christianity, not to desert them, and aid to obtain annexation Philippines to America. Please see the President.

I may add in explanation of this telegram that there is a large colony of wealthy Filipinos who have been driven out of Manila, and the bulk of whose fortunes have been confiscated, resident here. They are people of education as well as wealth, and they are intensely loyal to the United States. The Cortes family are particularly so, and they have contributed money liberally to aid Aguinaldo on the understanding that he was fighting for annexation of the Philippines to the United States. Naturally I sympathize with them in their desire to become a part of the United States, and have advised them that you would give their cablegram your kindly consideration.

I have the honor to be, sir, your obedient servant,

ROUNSEVELLE WILDMAN,
Consul-General.

Hon. MARCUS HANNA,
United States Senate, Washington.

STATEMENT OF MAJ. GEN. WESLEY MERRITT, U. S. A., OCTOBER 4, 1898, BEFORE THE UNITED STATES PEACE COMMISSION AT PARIS, AND ACCOMPANYING PAPERS.

COMMISSIONERS OF THE UNITED STATES,
Paris, October 4, 1898.

Gen. Wesley Merritt appeared before the Commission.

The first matter offered was a communication from Gen. F. V. Greene, U. S. V., which was read by the secretary.

Mr. DAY. What have you to say, General, as to the qualifications, knowledge, and ability of General Greene to speak on this subject?

General MERRITT. This communication was written without a knowledge on his part that it would be laid before the Commission, so he probably expresses himself a little more strongly than he would if he knew he was talking to you gentlemen having this matter in charge. I consider his views exceedingly good, and they are supported by the views of the others who have reported on the different subjects mentioned there, and I can say that generally they are all men of ability and men whose views would have a great deal of weight with me.

Mr. FRYE. What experience has General Greene had?

General MERRITT. In what direction?

Mr. FRYE. In any direction as an investigator? He was in Russia a while?

General MERRITT. Yes, sir; and wrote the best and most authentic—the best received—book on the Russian-Turkish war published yet. He is a man who reads a great deal, quite a student, a very bright man.

Mr. DAVIS. Is he a Regular Army officer?

General MERRITT. Yes, sir; graduated from the Academy, I think in 1867, and has since that time been instructor of engineering at the Academy and was when I knew him—while I commanded at the Academy, about five years.

Mr. REID. What opportunities has he had for observation in the Philippines?

General MERRITT. He went at the same time I did and left at the same time. He was out on the lines all the time, and took a great deal of interest in investigating with the citizens and soldiers. He knew some of the ranking officers, although he did not know Aguinaldo nor have anything to do with him. It was part of my policy that we should keep ourselves aloof from Aguinaldo as much as possible, because we knew trouble would occur from his wanting to go to Manila at the time of its surrender.

Mr. FRYE. He is a gentleman on whose judgment you would have a great deal of reliance?

General MERRITT. Yes, sir.

The CHAIRMAN. When did General Greene get to the Philippine Islands?

General MERRITT. He got there about the middle of July.

The CHAIRMAN. And left about what time?

General MERRITT. The latter part of August.

The CHAIRMAN. Your army occupied Cavite and vicinity?

General MERRITT. When General Greene got there he was put at once beyond Aguinaldo's headquarters at Bacu, on the beach and opposite Manila, where he established his lines. When I got there I found the insurgents were holding the lines in front of him, and I directed him, peaceably if he could and if not by force, to get his lines in front, so there would be no mixture of troops. It was rather an anomalous condition, and the general in command there agreed to take part of the lines——

The CHAIRMAN. The insurgent general?

General MERRITT. Yes, sir. General Greene saw a great deal of them in moving around his lines and prospecting in other directions to learn the character of the country.

The CHAIRMAN. Was he in the interior of the country?

General MERRITT. No, sir.

The CHAIRMAN. How long in Manila?

General MERRITT. About two weeks; from the 13th of August to the 29th of August..

The CHAIRMAN. What do you regard as the principal means of information as to the character and needs of the people?

General MERRITT. His means of information?

The CHAIRMAN. Yes, sir.

General MERRITT. Merely the contact that would naturally occur from an active man moving around and seeing more or less of them and hearing them talk.

The CHAIRMAN. Principally with the insurgents?

General MERRITT. As well as the British and other foreign residents and some few Spaniards.

The CHAIRMAN. After you occupied Manila?

General MERRITT. Yes, sir. Before that, of course, it was mainly the insurgents and such English as came out to visit us.

After the reading of General Greene's statement General Merritt made the following statement:

General MERRITT. I would add to my remarks in regard to General Greene's report that immediately upon the occupation of Manila I appointed General Greene chief of the bureaus of collection. He occupied a position in Manila which was analogous to the position of the Secretary of the Treasury in the United States, and in that way he got a good deal of information, which came to him from different sources.

In that connection it might be remarked that Augustino, the Governor-General up to the 5th of August, borrowed from the Philippino Bank in Manila $2,000,000, and they have nothing to show for it nor no place to be repaid from. We had to bolster up the bank in order to keep it from going to pieces. There would have been a run on it at once; but the other banks, the Hongkong and English banks—all managed by Englishmen—stepped in and said they would guaranty the payment of bills by this Filipino bank up to a certain amount, I think $200,000, and we transacted business with them through the custom-house the same as the other banks. Of course when they arrive at that limit we will have to have additional security or the

bank will have to be closed. For a while we protected it by closing it and putting a guard over it.

The statement of Major (and Dr.) Bournes was read by the secretary.

Mr. FRYE. Please make a statement about him, General.

General MERRITT. He was at Atlanta, Ga., when the expedition started. I had an interview—he came to me at Governors Island—and I was so well satisfied that he knew more than anyone else who had applied to go as interpreter that I got the War Department to appoint him a surgeon in the service, and I sent him ahead with General Greene. He was a man who had been there three or more years—I was under the impression that he had been there longer than the date he gives in his report—is a man of great intelligence, knows the different languages of the islanders, talks with them fluently, knows Spanish and English of course; and his views, while modestly put, are entitled to a great deal of credit.

The CHAIRMAN. Are we to understand that he had a three years' residence in the islands—the Philippine Islands?

General MERRITT. Yes, sir; he had been there as a naturalist or something of that kind.

The CHAIRMAN. Had been on the other islands from Luzon?

General MERRITT. Yes, sir; Iloilo and Mindanao, and some others perhaps. Major Bournes is a very intelligent and very honest man. I place more weight to his views than any other man I know of, because he has had a better opportunity to judge, and he states his views mildly.

Mr. REID. He has had longer experience than others?

General MERRITT. Yes, sir.

The statement of Maj. J. L. Bell, major of engineers, was then read by the secretary.

General MERRITT. Major Bell was an officer on my staff, and went out there before I did, conducted the secret service, and was very active. He moved around in the insurgent lines, and, to a certain extent, in the Spanish lines, though I forbade his being disguised or anything of that kind. All the risk he took was as an officer of the army. He knows the army and navy officers from Aguinaldo down, and had frequent conferences with him and his officers. His report relates more particularly to the situation as regards the Filipino army.

Major Bell got his information before I arrived there and at the time I was there. I think he exaggerates the number of troops and arms they have for the service. The largest estimate outside of his has been 15,000 guns—small arms. I doubt very much whether the insurgents have that many. The Spaniards, who are supposed to have lost quite a number of arms because of the desertion of the natives whom they armed, have more arms than troops there. They surrendered 22,000 stands of arms of the latest patterns and millions of cartridges.

Mr. REID. Mausers?

General MERRITT. Yes, sir; and others.

Mr. FRYE. To us?

General MERRITT. Yes, sir; and they claimed to surrender 14,000 soldiers, but up to the time I left we could not count more than eight or ten thousand, and that is probably about the number.

Mr. GRAY. Spanish soldiers?

General MERRITT. Yes, sir; except two regiments, who were natives.

They wanted to dismiss the natives and send them off, but I objected to that and said they had armed them and must treat the natives as the Spaniards.

The CHAIRMAN. Where are those soldiers?

General MERRITT. In the city's different convents. We made them vacate the barracks and used them for our own troops. They are in the public squares, churches, convents, etc.

The CHAIRMAN. In and about Manila?

General MERRITT. Yes, sir; and in the suburbs.

Mr. GRAY. Under guard?

General MERRITT. No, sir.

Mr. GRAY. Under parole?

General MERRITT. No, sir; they would not take parole. I believe there is something in the Spanish military regulations that makes it capital punishment for the Spanish soldiers to take parole.

Mr. DAVIS. Under any circumstances?

General MERRITT. Yes, sir; so they told me. They consider it a breach of honor, and they are liable to trial by court-martial, and the officers subject to capital punishment if they did it. I, however, made them promise for themselves and their men, and sign a roll, that they would not take up arms during this war against us; but that was scarcely necessary, for there was not a possibility of their doing so. They surrendered all their arms except the side arms of the officers.

Mr. REID. Are they well behaved?

General MERRITT. Yes, sir; the officers were a little bumptious at first. They would march around the streets with their side arms, and it created some little friction, and I had a letter written to General Arderius, and said that it would look better if they discarded their arms and did not parade the streets so much, and that had the desired effect, and there has been no trouble since. I did not exact it in the note, but I would have done so if necessary.

The next statement was that of Admiral Dewey, dated August 29, 1898, which was read by the Secretary.

During the reading:

Mr. FRYE. Is there anything more recent from Admiral Dewey than that?

General MERRITT. Not to my knowledge. This is a copy of a dispatch sent by him in reply to a question propounded from Washington.

Mr. GRAY. Is not 3,000,000 an overestimate of the population of the Island of Luzon?

General MERRITT. I think not; they generally put it larger.

The CHAIRMAN. It was first stated by Admiral Dewey at 825,000. Do you know how he got that estimate?

General MERRITT. I do not.

After the reading of Admiral Dewey's statement:

The CHAIRMAN. I would like to ask about Admiral Dewey's views. He selects the Island of Luzon as the one to be obtained. Do you understand that that is Admiral Dewey's view?

General MERRITT. I understand the question was asked from Washington, "If we took but one island, which is the best to seize upon?"

The CHAIRMAN. Do you know, aside from that question, what Admiral Dewey's view is as to taking one island, or all the islands?

General MERRITT. I do not. I am inclined to believe, however, that he is in favor of taking the entire archipelago; but I would not so state it.

The CHAIRMAN. You never heard him say so?

General MERRITT. We have talked the matter over many times, but I would not state that he expressed himself in this way, as I might talk to this commission.

Mr. REID. This statement was made in reply to a question asking which island would be best to retain if only one was kept?

General MERRITT. Yes, sir; and he naturally selects the largest and most populous. I did not have a chance to talk with him after reading this dispatch, or I would have asked him to express himself in that regard. He told me that reply was to a question from Washington asking, If we retained only one island, which is the better one to retain?

The CHAIRMAN. That was the question in June?

General MERRITT. I think he said his telegram in June referred to the capacity of the natives to govern themselves as compared with the Cubans.

The next statement was that of Lieut. Col. Charles L. Jewett, judge-advocate, U. S. V.

Before it was read General Merritt said:

I think you will not find much in what Colonel Jewett says. He was a gentleman highly recommended to me from Indiana as judge-advocate, and I appointed him, although he did not know enough about the business to give him charge of the whole business; and I gave him something to occupy him. He was very anxious to come here, and wanted me to ask Washington to send him, but he does not know very much, and his views are not worth much. He intimates he knows a good deal, but does not give it in his statement.

The statement was then read by the secretary.

The next statement was that of Mr. André, Belgian consul at Manila.

Before it was read:

General MERRITT. That is rather important. The man is an intelligent man. He expresses himself very poorly in English, and I have tried to have his report corrected to an extent, but I think a good deal of reliance can be placed upon it. He is very earnest in hoping that the Spanish will be excluded and the Filipinos not allowed to govern themselves, but some government established there which will protect the merchants and business men. It might be remarked that he is largely interested in business matters, and has been there, I think, for about fourteen years; is quite a wealthy man, and gives his views from that standpoint.

The statement was then read by the secretary.

Mr. FRYE. How old a man is he?

General MERRITT. He is quite a young man. He tells me he has been there fourteen years. He states his case entirely from the point of view of a rich merchant. He does not sign himself as the Belgian consul, because he said he could not do so, but he gives his statement as his personal opinion. He seems to think the United States is engaged in a crusade for the benefit of the oppressed of all lands.

Mr. GRAY. Where is this Belgian consul resident?

General MERRITT. In Manila.

The next paper consisted of correspondence between General Anderson and General Aguinaldo.

Before it was read:

General MERRITT. I do not know that the Commission will be interested in that. It is correspondence between General Anderson and Aguinaldo, and relates largely to Aguinaldo's growing views. The

whole correspondence was deprecated by Admiral Dewey before I got there, and I suppressed the whole thing after I arrived, because it was not the wish of the Government to make any promises to the insurgents or act in any way with them.

The correspondence was read by the secretary.

Mr. FRYE. In obtaining supplies in what money did you pay?

General MERRITT. The money of the country.

Mr. FRYE. Mexican silver?

General MERRITT. Yes, sir. With reference to the last letter read, that letter and one other letter received from Aguinaldo, which has been mislaid and which I can not reproduce, I made no reply to, except to tell him he must withdraw his forces outside those limits.

The commission he refers to was brought to me by General Anderson. He asked me if I would talk to them, and I said I would. It was a few days after the surrender, and I received them at my headquarters in Manila, and they agreed the insurgents should withdraw outside any lines I might designate. I detailed two officers, General Greene and General MacArthur, to designate a line in red pencil, and gave it to them on a map, and told them I should insist on the withdrawal of his troops. It took in part of the lines Aguinaldo's troops had occupied previous to our getting there, but it was necessary to enforce a proper status between the insurgents and our own forces and to keep them out of Manila.

Before that time, rather early after my arrival there at Manila, I had telegraphed to the War Department of the possible trouble that might arise with the insurgents, and asked for instructions as to whether I should consider them as enemies and treat them accordingly in such case. To that request I had no reply, and the consequence was I had to mix diplomacy with force in order to avoid a tilt with them. I knew, if bloodshed was once had, that would be the end of an amicable status there, and to that end I was careful only to enforce that which was proper and which I conceived must be executed in order to have my troops fully occupy the ground we had taken. In his letters to General Anderson he speaks of concessions they made there in the occupation of lines. They did. I told General Greene—gave him the instructions—to try to get these positions by an amicable arrangement if possible, but, if necessary, to report the fact to me, and I should use force to secure them. At the time I went there I found we had no lines, no base upon which to approach Manila. The insurgents had their pickets to the front of ours, and our main guard was in the rear of their main guard, and I gave General Greene orders to change that status, which he did, and purely by arrangement with that general of whom Major Bell speaks as being a very sensible fellow and a good fellow. It appears, when the request was made of him, he corresponded with Aguinaldo, and the latter agreed to it.

Mr. REID. Do you think any danger of conflict is now reasonably remote?

General MERRITT. I think there is no danger of conflict as long as these people think the United States is going to take possession there. If they imagine, or hear from any source, that the Spaniards are to be reinstated there, I think they will be very violent.

Mr. DAVIS. What do you mean by "there"?

General MERRITT. I mean at Manila; in the military lines; in the positions they held.

The CHAIRMAN. Suppose the United States should acquire even the

island of Luzon and set up there its own government, do you think Aguinaldo and his followers would submit to it?

General MERRITT. On the island of Luzon alone?

The CHAIRMAN. Yes; taking that now under consideration only.

General MERRITT. Only with the understanding that eventually it should be restored to the Filipinos, in the event of the United States vacating.

Mr. DAVIS. Suppose the United States, by virtue of a treaty with Spain, should take Luzon, all the Philippines, or a part, by virtue of a treaty, paying no attention to the insurgents, how would that be taken by Aguinaldo?

General MERRITT. I think Aguinaldo and his immediate following would resist it, but whether he could resist to any extent I do not know, because his forces are divided. I believe that as matters go on Aguinaldo will lose more or less of his power there. This opposition he speaks of in the last letter read on the part of his chiefs arises principally from this fellow Pelo (?), who is an insurgent and a freebooter and a very bad man, and he is only favorable to Aguinaldo as long as Aguinaldo heads a war party against all comers.

Mr. DAVIS. He is in for booty?

General MERRITT. Yes, sir.

The CHAIRMAN. If the United States should say that we shall take this country and govern it our own way, do you think they would submit to it?

General MERRITT. Yes, sir.

The CHAIRMAN. Even Aguinaldo?

General MERRITT. Aguinaldo without his party would not amount to anything.

Mr. FRYE. Suppose, by treaty, we take Luzon alone and establish our Government there, raise our flag there, give to the people the freedom from taxation and other burdens, from slavery, etc., that we give to our own people, how long, in your opinion, would it be before there would be insurrections in all these other islands we have returned to Spain or that Spain retains?

General MERRITT. These other islands, as Dr. Bournes and this André point out, are scarcely in revolt against Spain now. Whether, resulting from example in Luzon, they would be incited to insurrection is a question. Aguinaldo is the head and front of the insurrection so far as it extends.

Mr. FRYE. Suppose we had the possession as I suggest, with a good government as I suggest, the knowledge of which would be in time conveyed to these other islands, that these people in Luzon were so much better off than they were, do you think the natives of Luzon would abstain from sending filibustering expeditions and inciting rebellion in these other islands?

General MERRITT. I think, as Major Bell has pointed out, there are a good many of these insurrectionists who like the business because they have nothing to lose and something to gain in the way of booty.

Mr. FRYE. Do you not think, if we retain Luzon, and the other islands remain under the sovereignty of Spain, we should be in continual danger of a conflict with Spain?

General MERRITT. I think so, unquestionably.

Mr. DAVIS. I did not understand the General to answer clearly the first question, which was that if we should set up a government in Luzon which, by its fairness, would invite comparison with that of Spain, what would those other islands do about it?

General MERRITT. I do not know enough about those other islands to give an opinion.

Mr. GRAY. Are they intelligent enough to appreciate the difference?

General MERRITT. I doubt if they are, because they are not much on the seacoast, and they do not know much about it. As Senator Frye suggests, filibustering expeditions might be raised at Luzon.

Mr. GRAY. Suppose, by final treaty with Spain, we should abandon Luzon and all the Philippines, exacting such terms and conditions and guaranties as we should think necessary, and abandon them entirely, reserving only a coaling station, perhaps; what do you think they would do about it?

General MERRITT. I think in the island of Luzon they would fight to the bitter end. I have talked with a number of them, intelligent men, who said their lives were nothing to them as compared with the freedom of the country, getting rid of Spanish government.

Mr. DAVIS. Do you think Spain would be able to reduce them?

General MERRITT. No, sir.

Mr. GRAY. Do you think, in the event of such an abandonment, it would be possible for them to set up a self-government?

General MERRITT. It would take time to do it. They would have to be educated up to it. They want a protectorate, but they do not exactly understand what that means. Their idea is that they should collect the revenues and keep them in their treasury, and that we should be at the expense of maintaining an army and a navy there for their protection, which is the kind of a protectorate they would like very much.

Mr. FRYE. I suppose their idea of government is practically derived from the Spaniards?

General MERRITT. Yes, sir.

The CHAIRMAN. What they desire is a government for their benefit, maintained and paid for by us?

General MERRITT. Yes, sir.

Mr. DAVIS. Do you understand that condition of slavery prevails which is described in that letter read?

General MERRITT. Yes, sir; entirely as described by Mr. Andre.

Mr. GRAY. If Admiral Dewey had sailed away after accomplishing that naval achievement and left this people as he found them, except for the destruction of the Spanish fleet, what, in your opinion, would have been the condition of the island as to Spanish supremacy and their ability to suppress the rebellion?

General MERRITT. If the Spaniards had replaced their fleet with another, I do not believe the revolutionists could have taken Manila. Along the bay it is 30 miles, 17 by water, and the coast shows the evidences of where the Spaniards have used the guns of their fleets, riddled the houses with shells, and prevented the insurgents from approaching the town; and the insurgents would have been driven to approach the town from the interior, where the Spanish troops were concentrated against them. It was only after the destruction by Dewey of the fleet and his occupation of the bay that these people surrounded the place and held their positions and took possession of the waterworks, which they held for some two or three months. For two months, perhaps three months, the water had been cut off from the town.

Mr. REID. What is the nature of that supply?

General MERRITT. Very good.

Mr. REID. Good aqueducts, and from a stream?

General MERRITT. Yes, sir; fresh water from a stream in the mountains.

Mr. DAVIS. How many troops, in your opinion, will be necessary to administer the government of this island—to secure the administration of our Government there?

General MERRITT. From 20,000 to 25,000 would be necessary at first.

Mr. DAVIS. And after that?

General MERRITT. After that they might be very materially reduced, because you could get natives into the occupying forces there who would make perfectly good soldiers.

Mr. FRYE. I was going to inquire whether it would not be possible to get natives to enlist, and whether Aguinaldo could not be given a command?

General MERRITT. Perfectly so, perfectly.

PAPERS TO ACCOMPANY THE STATEMENT OF MAJ. GEN. WESLEY MERRITT, U. S. A., OCTOBER 4, 1898, BEFORE THE UNITED STATES PEACE COMMISSION AT PARIS.

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CORRESPONDENCE WITH GENERAL AGUINALDO.

Anderson, Gen. T. M. (July 4) Advises commanding general Philippine forces of the entire sympathy with the United States of the native people of the islands. Desires amicable relations with the people and their cooperation. It will be necessary to occupy the town of Cavite as a base of operations, but no interference will be made with the functions or privileges of General Aguinaldo or the other native citizens. Asks that the officers of the insurgent forces be instructed not to interfere with United States officers in the performance of their duties in Cavite 390

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Anderson, General. (July 6) Acknowledges letter of 5th instant from Señor Aguinaldo, commanding Philippine forces, and says he is anxious to come to a definite understanding. Expects large addition to his forces, and will need more camping room. Is anxious to avoid any conflict of authority, but must have place for landing of supplies and storing of same 391

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Anderson, General. (July 19) Introduces to General Aguinaldo Maj. J. F. Bell, and asks that he be afforded every facility for obtaining information 393

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Anderson, General. (July 21) Asks passes and such other assistance as practicable be given Lieut. E. J. Bryan and party for reconnoitering the country 393

Anderson, General. (July 22) Replies to letter of General Aguinaldo in regard to property of Don Antonio Osorio. The property in question will be held subject to investigation. Has no authority to recognize the assumption of dictatorship by Aguinaldo 393

Anderson, General. (July 23) Advises General Aguinaldo of his request of three weeks ago as to the necessity of means of transportation for the American army, and to which he has hitherto received no response. Makes requisition for 500 horses, 50 oxen, and ox carts. If Aguinaldo can not secure these, requisition will have to be made directly upon the people 394

Aguinaldo, General. (July 24) Replies to General Anderson's strictures as to seizure of a storehouse of Antonio Osorio in Cavite. Says he came from Hongkong to prevent his countrymen from making common cause with the Spanish against the United States. He then proclaimed himself dictator and established a revolutionary government, which exists to-day. While such government has not been recognized by foreign powers, he expects the United States will look upon it with greater benevolence than any other nation. Considers it inadvisable for United States troops to be landed in places conquered by Filipinos from the Spanish without previous notice to him. Such act might be misunderstood by the people. Is well aware of what he and his people owe to Admiral Dewey, but very anxious to prevent foreign intervention prejudicial to the United States as well as to the native population of the Philippines 394

Aguinaldo, General (July 24). States that he misunderstood the desires of the United States forces before, but now he will assist in supplying all requisitions for transportation necessities if given reasonable notice 395

Anderson, General. Refers to letter of 24th instant of Señor Aguinaldo, touching the property of Don Antonio Osorio. Advises him that same has been referred to General Merritt (July 27) 396

Anderson, General. Acknowledges General Aguinaldo's letter of 26th as to the cattle, horses, etc. Regrets misunderstanding, but was informed that nothing could be supplied except by order of Aguinaldo. The United States quartermaster will establish a depot near the American camp and will receive and pay for all supplied. This communication bears date July 24 396

Anderson, General (July 27). Transmits last letter he received from insurgent chief, dated Bacood, July 24. Also submits entire correspondence of insurgent chief 397

Anderson, General (July 27). With a view to obtain information as to approaches to Manila, requests Aguinaldo to give the officers making reconnoissance all possible assistance 397

Aguinaldo, General (August 1). Informs Consul Williams that he is impressed by the note of July 8, and thanks him for kind words therein. Thinks the islands will be in effect one of the richest and pleasantest countries of the globe if the capital and industry of North Americans come to develop the soil. In reference to annexation, does not think his people can be made to believe this. Makes suggestions as to the expectations of his people and desires that Mr. Williams inform Washington that the Filipinos have abandoned savagery, etc 397

Aguinaldo, General (August 14) to General Anderson with regard to his being allowed to enter Manila, and the desirability of preventing conflict between the two forces 399

Aguinaldo, General (August 13) to General Anderson in reference to difficulties between Filipino forces and American forces, and the strict orders he gave his chiefs to preserve great respect for American forces 399

Merritt, General. With regard to a memorandum from General Aguinaldo addressed to General Anderson which purports to contain a statement of certain desires on the part of the Filipinos. Sets forth concessions which will be granted Filipinos after certain conditions are complied with. Dated August 20 400

Aguinaldo, General. (August 21.) Agrees to withdraw his forces from the suburbs to the line indicated by General Merritt if the within promises and conditions are agreed to 400

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Aguinaldo. General. (August 24.) Telegram to General Merritt in regard to the death of an American soldier at Cavite. Promises full investigation, but is of the opinion that his people are not responsible for the trouble 401

Merritt, General. Letter to Aguinaldo acknowledging communication of 21st instant. Refers him to Admiral Dewey in regard to protection of American squadron. Promises good will of American people 401

Merritt. General. (August 25.) Reply to telegram from Aguinaldo dated August 24. Thanks him for notifying him so promptly and trusts that harmony will prevail 402

Aguinaldo, General. (August 27.) Is surprised that the General thinks his commissioners committed themselves in regard to the withdrawal of troops outside the line designated. Is disposed to sacrifice to friendship everything not prejudicial to the rights of the Philippine's city. Comprehends inconvenience of a double occupation of the city. Asks that the aid of the Filipinos be not made light of and promises to withdraw his troops to certain lines. Does not believe that the acceptance of the conditions proposed would be prejudicial to the rights of the city. Is forced to insist upon the said conditions to quiet the grumblings of his chiefs and soldiers, who have already sacrificed much 402

MEMORANDUM CONCERNING THE PHILIPPINE ISLANDS.

[Made August 27, 1898.]

By Gen. F. V. Greene, U. S. V.

If the United States evacuate these islands, anarchy and civil war will immediately ensue and lead to foreign intervention. The insurgents were furnished arms and the moral support of the Navy prior to our arrival, and we can not ignore obligations, either to the insurgents or to foreign nations, which our own acts have imposed upon us. The Spanish Government is completely demoralized, and Spanish power is dead beyond possibility of resurrection. Spain would be unable to govern these islands if we surrendered them. Spaniards individually stand in great fear of the insurgents. The Spanish Government is disorganized and their treasury bankrupt, with a large floating debt. The loss of property has been great. On the other hand, the Filipinos can not govern the country without the support of some strong nation. They acknowledge this themselves, and say their desire is for independence under American protection; but they have only vague ideas as to what our relative positions would be—what part we should take in collecting and expending the revenue and administering the government.

The hatred between the Spanish and natives is very intense and can not be eradicated. The natives are all Roman Catholics and devoted to the church, but have bitter hatred for monastic orders—Dominican, Franciscan, and Recollects. They insist that these be sent out of the country or they will murder them. These friars own the greater part of the land, and have grown rich by oppressing the native husbandmen. Aguinaldo's army numbers 10,000 to 15,000 men in vicinity of Manila, who have arms and ammunition, but no regular organization. They receive no pay, and are held together by hope of booty when they enter Manila. They are composed largely of young men and boys from surrounding country, who have no property and nothing to lose in a civil war. Aguinaldo has two or three ships, and is sending armed men to the northern portions of Luzon and to other islands. TheSpaniards there, being cut off from communication with Manila and Spain, can not be reenforced.

The result will be an extension of the civil war and further destruction of property. There are in Manila itself nearly 200,000 native Filipinos, among whom are large numbers with more or less Spanish and Chinese blood who are men of character, education, ability, and wealth. They hate the Spanish, are unfriendly toward other nations, and look only to America for assistance. They are not altogether in sympathy with Aguinaldo, fearing the entry of his army into Manila almost as much as the Spaniards fear it. They say Aguinaldo is not fitted either by ability or experience to be the head of a native government, and doubt if he would be elected President in an honest election. Principal foreign interests here are British, and their feel-

ing is unanimous in favor of American occupation. They have already forwarded a memorial to their Government asking for it as the only way to protect life and property.

Altogether the situation here is somewhat similar to Bosnia and Herzegovina in 1878, and Egypt in 1882, and the only practicable solution seems to be on lines somewhat similar to those adopted in those cases. The length of our occupation would depend on circumstances as developed in the future, but should be determined solely in our discretion without obligation to or consultation with other powers. This plan can only be worked out by careful study by the Paris Commission, and they should have advice and full information from some one who has been here during our occupation and thoroughly understands the situation. It is not understood in America, and unless properly dealt with at Paris will inevitably lead to future complications and possibly war.

The currency of the country is silver. The Mexican dollar is preferred, and worth about 47 cents gold, but the gold dollar will not buy in labor or merchandise any more than the Mexican dollar, and any attempt to establish a gold basis for currency would ruin any business in the islands.

The total revenue is about $17,000,000 Mexican, derived about 35 per cent from customs, 50 per cent from internal taxes, and 15 per cent from state lottery and sale of monopolies. More than two-thirds of the internal revenue comes from poll tax or cedula, which is very unpopular. The country was self-supporting and free of debt until the insurrection broke out about two years ago, but the expenses of the civil war have disorganized finances. There is a bonded debt, Series A, $15,000,000 Mexican, held in Spain, for which the colony never received any consideration, and another debt, Series B, same amount, which was forced on the people here, and the validity of which is open to question. Both debts are secured by first liens on custom-house receipts, but this does not appear to have been respected.

MANILA, PHILIPPINE ISLANDS, *August 29, 1898.*

Maj. Gen. WESLEY MERRITT, U. S. A.,
Manila, Philippine Islands.

SIR: In obedience to your request I have the honor to submit the following:

Although the Island of Luzon is the largest of the Philippine group, and likewise the most important, there are others of great importance, especially from the commercial view-point. The most important of these are known as the Visayas, and include the islands of Panay, Negros, Zebu, Samar, Leyte, Masbate, Romblon, Tablas, and Cibuyan.

The Island of Zebu, on which the City of Cebu is situated, is almost entirely under cultivation, there being but little of the original forests to be found. Here are cultivated sugar, to a limited extent hemp, Indian corn, and other products. Here, likewise, are found mines of coal and deposits of petroleum, both as yet undeveloped.

Panay, on which the city of Iloilo, the second port in commercial importance in the islands, is situated, is also well under cultivation, there being but few places in the northwest and west still covered with forests. Both of these islands are inhabited by the Visayan race,

all of whom have adopted Christianity and all of whom are under tribute to Spain.

The island of Negros, situated between these two islands, is also of great importance from an agricultural view-point. There still exists in the interior of this island a great amount of forests, and some of the tribes in the interior have never been made tributory to Spain. It is a great sugar-producing island, almost all of the lowlands near the coast being under cultivation.

Samar and Leyte, to the east, are not so well developed, but a great deal of hemp of the best quality is produced there, the most of which finds its way to markets by way of Manila, although some is shipped from Cebu. Most of the sugar produced in the three islands first mentioned is marketed at Iloilo.

The smaller islands mentioned—Masbate, Romblon, Tablos, and Cibuyan—are of more importance as supporting large herds of cattle, the island of Masbate being especially noteworthy for this. The products of the islands just mentioned are marketed almost entirely in Manila. All of the people in these islands, with the exception of the few mentioned in the interior of Negros, are docile, well disposed, and easily managed. They are somewhat less energetic than the Tagologs of Luzon, and have never been involved in the insurrections occurring in these islands, to my knowledge, except in Cebu in 1896, and then through the influence of Tagologs sent there for the purpose of stirring up the insurrection.

Mindanao, Basilan, and the Sulu group are inhabited for the most part by Malay tribes belonging to the Mohammedan faith. The interior of the great island of Mindanao has never been conquered by the Spaniards. The important Spanish towns on this island are located on the seacoast and are inhabited largely by the emigrants from the other islands.

The Sulu group has recently been brought under partial control of Spanish authority, but as yet the inhabitants do not pay tribute to Spain, or at least they did not up to the year of 1893.

The island of Palawan, on the west, is almost entirely undeveloped, there being perhaps a half dozen small Spanish towns along the seacoast on either side. The most important settlement is at Puerto Princesa, where there is a fine harbor. The most of the inhabitants are known as Tageannas, a Malay tribe just being brought under the influence of Spanish methods.

The Caliaimanes, northeast of Palawan, are inhabited by the same tribe, but more emigrants are found here than in Palawan. Cattle are shipped from here to Manila, grazing being the principal industry.

The large island of Mindoro, just south and west of Luzon, is almost entirely undeveloped, there being but a few Spanish towns along the coast. The few agricultural products of this island are almost entirely consumed by the inhabitants themselves, the principal exports being jungle products, such as rattan and woods. The sago palm grows abundantly throughout this island, and sago flour is the principal breadstuff of the uncivilized tribes of the interior. This island is supposed to contain large deposits of coal, and I myself at one time found outcroppings indicating a coal deposit at a place within easy communication of the seacoast.

In regard to the island of Luzon I do not deem it necessary to say much, as it is the best-known island of the group. Large areas are under cultivation and large areas are still covered with the primeval forests. The majority of the people have been christianized and are

under the control of Spain, but many tribes in the forests and mountains have never been influenced by the Spanish Government. The products of the island are, as known varied—sugar, hemp, tobacco, chocolate, and coffee being the important ones.

As is probably well known to you, the forests of the Philippines produce most valuable woods in almost unlimited quantities. These have never been properly cared for or developed, owing to the restrictions and hindrances of the Spanish law. This same applies to all industries in the Philippines.

In regard to the people of the entire archipelago and the feasibility of bringing them under our control, I see no reason to change the opinion I gave to you before we left the United States. I believe that the masses of the people will accept our government as soon as they understand the form of government that we would offer. The people are for the most part easily controlled by proper methods, the essence of which can be expressed in two words—justice and firmness.

It has been my observation, and this is backed by the statements of many intelligent natives and half-casts with whom I have talked, that the Philippine native will accept merited punishment without complaint and without the feeling of injury having been done him.

I still believe that if a few of the ambitious chieftains now in control of the insurgent army could be disposed of, the masses of the people could be handled without difficulty. At the present it is my opinion that these chieftains find themselves in a difficult position on account of the promises made to their followers in regard to looting Manila, said promises being so far unfulfilled. Their troops have been serving up to the present time almost without remuneration, promises being made that their reward would come when Manila capitulated.

Since my arrival I have availed myself of every opportunity to talk with natives and half-castes, both in the insurgent territory and in Manila. I find that many of them would be perfectly willing to accept an American government, and many of them are very anxious that we should take full possession of the islands. Many others hold to the desire of the insurgent chiefs for a Philippine government under the protection of the United States. These people express themselves as being confident of their own ability to govern the islands. Many of these would not be satisfied until the experiment had been tried, but I do not believe that such a government would be a success, and that the United States would ultimately have to take hold of the government. This for several reasons: First, because the only example of government ever seen by these people is that given by Spain, and they would naturally follow quite closely the methods heretofore pursued; second, lack of unity, not only among the important men here in the island of Luzon, but likewise on account of lack of union and full understanding with the various other races of the archipelago, such, for instance, as the Visayas of the central islands; third, because of the three other elements in the islands—the uncivilized hill tribes, the Mohammedans of the south, and the Chinese residents found in all parts of the islands.

The feeling existing between the Filipinos and the Chinese residents can be seen any day, by anyone who will take the trouble to notice it, in the streets of Manila. The Chinese, being naturally more industrious and more thrifty than the Filipinos, usually succeed better, the result being a feeling of extreme jealousy on the part of the Filipinos. I know from observation that this racial feeling would

be very hard to overcome, as between the Catholic Filipinos and the Mohammedans of the south questions would constantly arise difficult of adjustment by any but a third and stronger party.

In regard to the hill tribes, or what are called savage tribes, I have observed in various parts of the island that they are illtreated, imposed upon in every way, and generally considered to be of a very inferior race, to be treated without consideration by the Catholic natives.

Another reason for supposing that difficulty would arise in case of self-government is the jealousy among the chieftains themselves. These observations have been made since my arrival here, and are substantiated by conversations with many natives and half-castes. They themselves state that as soon as a Filipino is appointed to office, such as lieutenant or captain, or to a higher rank, he immediately considers himself far above his fellow-Filipinos, treats them with severity and disdain, and, in short, attempts to imitate as closely as possible the methods pursued by Spanish officials in their treatment of the natives. I have definite information also that at least three or four of the leading men of the provinces to the north and east of Manila are not at all in harmony with those in authority around Manila. All of these conditions would, in my opinion, soon bring about a distressing condition.

The only point on which all the natives and half-castes I have talked with agree is that they will never, so long as they have arms, ammunition, or men, submit again to Spanish authority. Their bitterness of feeling against the Spaniards can scarcely be exaggerated. This fact I have had abundant opportunity to know.

The feeling against the monastic orders is, as you know, not against the church itself, as they are all good Catholics and wish well toward the Catholic Church. The bitterness is directed against all the members of the monastic orders, with the exception of the Jesuits, whose only work here is missionary, scientific, and educational. Even the most rabid among them have expressed to me their appreciation of the work being done by the Jesuits.

Taken as a whole, the Philippine Islands are as rich and productive islands, with as good climate and as good natural advantages, as are to be found anywhere in the tropics.

In conclusion, I wish to state that these opinions are only my personal opinions, founded upon extensive observations in these islands and comparison with other tropical regions which I have visited. I give them to you in obedience to your request, and whether they prove to be right or wrong I can only assure you that they are my honest convictions, and founded only upon personal observations made during a three years and a half residence in these islands.

From a personal interest in such matters I have always talked freely with the people of whatever place I have visited, not expecting that my views would be needed in any such emergency. I do believe, however, that in the main they are fairly accurate, and that my estimate of the people and of the islands and their resources is not far amiss.

I am, sir, very respectfully,

FRANK S. BOURNS,
Major and Chief Surgeon, U. S. Volunteers.

[Headquarters United States Expeditionary Forces and Department of the Pacific—Office of Military Information.]

MANILA, PHILIPPINE ISLANDS, *August 29, 1898.*

Maj. Gen. WESLEY MERRITT, U. S. A.,
Manila, Philippine Islands.

SIR: Pursuant to your verbal instructions, I have the honor to report the following facts and opinions:

In the city of Santa Cruz, the capital of La Laguna, about 600 Spaniards are besieged by insurgents.

Albay, held by a detachment of Spanish forces, number not known, is also besieged by insurgents.

All the Spanish in the Province of Tayabas have just been captured by insurgents, together with a considerable amount of money and other property.

The Spanish still hold Daet, the capital of Camarines Norte, and Nueva Caceres, the capital of Camarines Sur, but both places are besieged by insurgents.

The four provinces, Llocos Sur, Llocos Norte, Isabella, and Cagayan are still in the possession of the Spanish, but 400 insurgents have been dispatched to attack the Spanish in these provinces.

About 250 Spaniards hold Morong, the capital of the province of the same name.

There is one company of Spanish infantry in Yap, the capital of Ponape, one of the Caroline Islands.

There are also a considerable number of Spanish troops in Cebu, Iloilo, Leyte, and Mindanao.

The island of Mindoro and the provinces of Batangas, Pampangas, Pangasenan, Bulacan, La Union, Tayabas, Bataan, Zanbales, Tarlac, and Cavite (all in the island of Luzon) are under the control of insurgents.

Concerning the insurgents now under arms and about the city, it is practically impossible to count or estimate their number for several reasons: First, they are being continually sent away to other provinces; second, many of them have laid aside their arms temporarily to raise crops for their families. As the organization is very loose, no captain knows the exact number of his following. No reports have ever been made to General Aguinaldo. The closest estimate that can be made of the available armed insurgent force is based upon the number of arms recently captured from the Spanish militia, from the arsenal at Cavite, from Spaniards captured in battle, and bought from Jackson and Evans. Together with the number it is fair to estimate were in the hands of Filipinos, who got them in previous insurrection, this foots up about 40,000, as follows:

From militia	12,000
From arsenal	2,500
From Jackson and Evans	2,000
From Spanish	8,000
In hands of Filipinos (about)	15,000
Total	39,500

From this number there should probably be deducted several thousand guns recaptured by the Spanish and turned in under the provisions of a proclamation offering $50 and amnesty to each insurgent who would come in and give himself and his rifle up to the Spaniards.

It is assumed that every Filipino who has a gun is ready material

for an armed insurrectionist, providing sufficient provocation exists to appeal to the resentment of all.

Aguinaldo's following, however, is not so great, nor can all of those who are under arms be considered equal in loyalty to their chief. Great differences of opinion exist among them, and General Aguinaldo is just now experiencing considerable difficulty in maintaining control over his loosely organized forces. He has certain men among his leaders who are dishonest and unworthy, and are now guilty of conduct which seriously reflects upon the character of the insurgent. This is well known to General Aguinaldo, but he is powerless to prevent it, because he realizes that an effort to do so would be an end of their subordination to him.

Concerning the capacity of the Filipinos to govern themselves, I regret to say that I see no reason to change the opinion previously expressed, that they are unfit. I wish my opinion might be otherwise, for I prefer to believe them capable of self-government. There are a number of Filipinos whom I have met, among them General Aguinaldo and a few of his leaders, whom I believe thoroughly trustworthy and fully capable of self-government, and the main reliance for small official positions and many larger ones would be upon people who know no standard of government other than that the Spaniards have furnished. Their sense of equity and justice seems not fully developed, and their readiness to coerce those who come under their power has been strongly illustrated in this city since our occupation. A regularly organized system of blackmail has been instituted under the guise of making subscriptions to the insurgent cause. None of this money ever reaches the treasury of the so-called Filipino government, but is doubtless divided among the petty chiefs who assume to authorize subordinates to collect it.

The Filipinos themselves, living in the outskirts of the city, are daily terrorized and interfered with by small bands of marauding insurgents, who molest them for no other purpose but the accumulation of booty.

Aguinaldo has in Hongkong about $300,000 and in Bacoor about $220,000 of public funds. He has commissioned an agent to purchase all the nitrate of soda to be found in Manila, and a lot more in China and Japan. He has a cartridge factory at Imus capable of working 400 people. He proposes soon to move his headquarters to Malolos, on the railroad, north of Manila and only about thirty minutes' ride from the city.

There is not a particle of doubt but what Aguinaldo and his leaders will resist any attempt of any government to reorganize a colonial government here. They are especially bitter toward the Spaniards, but equally determined not to submit any longer to being a colony of any other government. What they would like best of all would be a Filipino republic with an American protectorate, for none realize their inability more clearly than they to maintain a republic without protection of some stronger power. Though they would prefer protection from America, they would accept it from any government save the Spanish.

Aguinaldo has not a universal following among the Filipinos. Though he is undoubtedly the most popular leader there is at present among the Filipinos, there are many of the wealthiest, most prominent, and most influential Filipino citizens who do not follow him and would not vote for him as president of their own free will and

accord. The native population of Manila are generally opposed to insurrectionists.

A number of the rich and prominent Filipino citizens have told me that if the United States would govern this country for one year Aguinaldo's following would so dwindle that he would have no army left.

All the people except the Spaniards, foreign residents and natives alike, feel that a native government would be better than the continuation of Spanish rule; and I guess it would, for nothing could possibly be worse than the Spanish régime as it has long existed here. There is a very respectable and considerable number of Spaniards who openly condemn the corruption that has existed under Spanish dominion, and doubtless many more would so express themselves if they dared.

Aguinaldo has recently sent all of his adjutants (eight in number) into the city and assigned them regular districts, in which they are expected to observe for the purpose of preventing interference with citizens by members of the insurrectionary forces. He is anxious to maintain the best appearance and credit for his waning cause.

It is openly asserted by many of his sympathizers that some of his agents are collecting subscriptions with a view of running away into the mountains with sufficient cash to maintain themselves in ease. No one is better aware of all these facts than Aguinaldo himself, and realizing that he was losing instead of gaining ground he has recently called into counsel a number of prominent and wealthy Filipinos, who have never allied themselves with his cause and at least one of whom has fought in the trenches against him within the past month. From among these men he has organized a committee to take charge in the city of Manila of all affairs affecting his cause and the good of the people. Few of these men are really favorable to a Filipino government, and all those who have much property at stake are praying that the Americans will continue in the country; so are all the foreign residents, except the Spanish.

In an effort to catalogue and describe the principal leaders among Aguinaldo's following I have arrived at the following conclusions, which are believed to be practically correct:

Aguinaldo.—Honest, sincere, and poor, not well educated, but a natural leader of men, with considerable shrewdness and ability; has the power of creating among the people confidence in himself, and is undoubtedly a very popular man, highly respected by all; but there are many better educated and richer natives who do not think he has sufficient education or experience to be a suitable president. He was a "little governor" of a small town in one of the provinces. It is also said that he was a school teacher, but I have been unable to verify this assertion.

There is no secretary of state, the place being kept open for one Cayetano S. Arellano, a prominent native citizen who is said to be the best lawyer and best man among the native prominent men. He is now in Pagsanjan, and has been repeatedly sent for but does not return, stating as an excuse that he can not get through Santa Cruz, which is held by the Spanish. He is an avowed annexationist, and does not believe the Filipino people sufficiently advanced in the arts and laws of civilization to govern themselves.

Baldomero Aguinaldo, a first cousin of Don Emilio, is secretary of war, and is a swelled dunce, and was once a schoolmaster.

Mariano Trias, an educated, honest man of mediocre capacity, is secretary of the treasury. He was the vice-president of a former revo-

lution, and of all the insurgent leaders he stands next to Aguinaldo in popularity with the people.

Leandro Y. Barra, a lawyer and good, honest man, is secretary of the interior.

One Estefan de la Rama, a rich and educated man, who speaks English, is commandante de marina, or commander in chief of the navy. He is reported honest and capable.

Aguinaldo's interpreter and secretary is one Escamilla, a good linguist, speaking Latin, French, Spanish, and English—Spanish fluently and English well, to my personal knowledge. He was a teacher of the piano in Hongkong, and is one of the best interpreters I have ever seen.

One Malabini, a student of law and notary public, honest, but not especially talented, is one of his councilors. There is a prominent and wealthy citizen of this city who is also a councilor, but I prefer not to mention his name. He is an avowed annexationist, and sincerely hopes the Americans may remain here.

Don Felipe Agoncillo is a highly respected lawyer, and has for some time been the Filipino agent in Hongkong. I understand it is he who has been designated by Aguinaldo to go to Paris and America to represent the insurgent cause.

C. Sandico, a skilled and well-educated machinist, who speaks English quite well, is a prominent man, and coadjutor of Aguinaldo. His present commission is to appear on behalf of political prisoners before the officer charged with investigating such cases. He has been generally useful to Aguinaldo as a delegate and negotiator with Americans.

Lieut. Gen. Emiliano Riego De Dios, the military governor of Cavite, is said to be an honest man, but with little education.

Major-General Ricati, in command of operations along the southern zone of trenches, appears and is said to be a well-meaning, honest man, with a fair education.

Maj. Gen. Panteleon Garcia, in command of operations along the northern zone, is not educated very well, but is an able, honest, polite, and agreeable man, who has been a schoolmaster of the primary grade.

Brig. Gen. Pio Del Pilar, a vicious, uneducated ignoramus and highway robber.

General Estrella, commanding the military forces in Cavite, has the credit of being an honest man with little education.

Brigadier-General Mascardo, fairly educated and honest, but possesses little ability.

Gen. Gregorio Del Pilar is young, well educated, and honest, but with little experience. He belongs to a wealthy family of Nueva Ecija.

General Noriel, an honest, fairly educated, well-meaning, reasonable, and agreeable fellow, who has done good service and gained the reputation of a good soldier.

Colonel Montenegro, a very conciliatory fellow to meet. Young, small, and well educated. Speaks French, English, and Spanish, the latter fluently; the others very well. He is a considerable of a "talk a heap." Is "kinder" honest and was a clerk in Lalla's hotel, where he received his lessons in honesty.

There are other leaders of lesser grade who it is hardly necessary to mention here. Aguinaldo has many adjutants, most of whom are young, smart, and well educated. In fact nearly all of the adjutants

of all the generals belong to the jeunesse dorée Filipino, in whom insurrectionery ideas seem to breed spontaneously. They are all bright, ambitious, active, and well educated. Among them is one Captain Arevela, Noriel's adjutant, who is a dentist, having learned his profession from an American, who also taught him very good English. He has always possessed great partiality for Americans and it is thought has impressed this partiality upon his chief, Noriel, who on this account has been not only perfectly willing but strongly desirous of doing anything the Americans wished.

In conclusion, I might add that I have met no one cognizant of the conditions now existing in these islands and in Spain who believes that Spain can ever again bring the Philippine Islands under subjection to its Government.

Very respectfully,

J. F. BELL,
Major of Engineers, in Charge.

U. S. NAVAL FORCE ON ASIATIC STATION,
FLAGSHIP BALTIMORE,
Manila, Philippine Islands, August 29, 1898.

SIR: Referring to the Department's telegram of the 28th instant, I have the honor to transmit by the hand of Brig. Gen. F. V. Greene, U. S. V., the following views and information upon the subject of the Philippines. A copy of this communication is also given to Major-General Merritt.

The most important islands of the Philippines are Luzon, Panay, Cebu, Negros, Leyte, and Mindanao. The others, owing either to the character of the inhabitants, the limited amount of civilization, or the almost entire absence of cultivated land, may be neglected in any consideration of the relative importance or desirability of these islands, especially those of the southern group, which are almost wholly given over to savages.

Luzon is in almost all respects the most desirable of these islands, and therefore the one to retain. In it is situated Manila, the most important commercial as well as the most populous port of all the islands—a port that in our hands would soon become one of the first ports of the world. Not only is tobacco produced in large quantities, but all the tobacco of fine quality grown in the Philippines comes from the northern provinces of this island. The interior has as yet not been developed.

There is but one short railroad, from Manila to Dagupan, and no highways, so that almost all the commerce is carried on by water. Were railroads and highways built—and labor is very cheap—there is little doubt that this island would rapidly increase in productiveness and wealth. The population of Luzon is reported to be something over 3,000,000, mostly natives. These are gentle, docile, and, under just laws and with the benefits of popular education, would soon make good citizens.

In a telegram sent to the Department on June 23 I expressed the opinion that "these people are far superior in their intelligence and more capable of self-government than the natives of Cuba, and I am familiar with both races." Further intercourse with them has confirmed me in this opinion.

As Luzon is the farthest north of the large islands, its climate is naturally the most temperate. In this connection it may be men-

tioned that out of a force of over 2,000 on the ships of my squadron the number of men on the sick list at any time has not exceeded forty, nor has there been any considerable sickness among our troops on shore, though they were much exposed for three weeks in the trenches during the rainy season. As a matter of fact, Manila is far from being an unhealthy city, and the climate is as fine as that of any place in the tropics.

About 60 miles from Manila and to the northward and westward is Subig Bay, decidedly the best harbor in the Philippines, having no equal as a coaling station or naval and military base.

The entrances are narrow, the shores bold, the water deep, the bay landlocked, easily defended from attack by sea or land, and the fresh-water supply ample. As it is just off the trade route between Manila and China and Japan, it strategically commands Manila. It is there that the Spanish Government had planned to place its principal naval arsenal in the East. Already a great deal of money has been expended, many buildings erected, and much work done. A contract has been made with an English company to construct a floating dock of 12,000 tons capacity; some of the material has been delivered and payments made. The arsenal is on the south side of the harbor, at the village of Olongapo. It is expected that a connection will be made with the railroad from Manila to Dagupan, thus putting Subig in easy reach of Manila.

The principal naval station in the Philippines is now at Cavite, in Manila Bay. It has very fair workshops for light work and ways for vessels of less than 1,000 tons. But it is capable of little expansion, and the small depth of water precludes the building of dry docks for large ships, or even the use of floating docks of much capacity.

Luzon has other decided advantages both in a commercial and military sense. It is nearest the great centers of trade in the far East, such as Hongkong, Canton, Shanghai, Pekin, Nagasaki, and Yokohama, and nearest the trade routes from the United States and Honolulu to those centers; consequently its influence would be greater if held by us. It also commands San Bernadine Strait, the principal water route through the Philippines from east to west.

From all the above facts it seems patent that Luzon is by far the most valuable island in the group, whether considered from a commercial or military standpoint.

Panay, Cebu, Negros, and Leyte are very thickly populated and well cultivated. In these islands the natives are conceded to be the best educated and furthest advanced in civilization.

In Panay is situated Iloilo, the second commercial port of the Philippines and the center of the sugar trade. It has a good harbor, with two entrances, and one that has great strategic importance.

Cebu, the third commercial port, in the island of the same name, has a harbor much like that of Iloilo.

From the best information obtainable it appears that the Philippines contain varied and valuable mineral resources, as well as admirable timber.

I have the honor to be, very respectfully,

GEORGE DEWEY,
Rear-Admiral, United States Navy,
Commanding United States Naval Forces on Asiatic Station.

The SECRETARY OF THE NAVY,
Washington, D. C.

HEADQUARTERS DEPARTMENT OF THE PACIFIC,
Manila, Philippine Islands, August 29, 1898.

Maj. Gen. WESLEY MERRITT, U. S. A.,
Military Governor, Manila, Philippine Islands.

SIR: In compliance with your order of to-day I submit the following report:

June 1, in compliance with Special Orders, No. 119, War Department, I reported to you in person at San Francisco, and was verbally notified that you would not assign me to duty with any of the troops at that place, and that when you arrived in the Philippines I would act as your legal adviser. That meanwhile I was to make such preparation as I could to properly discharge such duty.

June 13 I was verbally directed by you to accompany the second detachment of the Philippine expeditionary forces, and on said day received the following letter:

[Headquarters United States Expeditionary Forces and Department of the Pacific.]

SAN FRANCISCO, CAL., *June 13, 1898.*

Lieut. Col. CHARLES L. JEWETT,
Judge-Advocate, United States Volunteers. San Francisco, Cal.

SIR: The Commanding General directs you to accompany the commanding general of the forces en route to the Philippine Islands in the capacity of legal adviser, and requests you to be governed by verbal instructions heretofore given you.

Very respectfully,

J. B. BABCOCK, *Adjutant-General.*

I arrived at Cavite, Luzon, July 16, 1898, and remained there, making my headquarters in the house of the commandante of Cavite Arsenal, which had been reserved for your headquarters ashore, until the surrender of Manila. Upon your arrival I reported orally to you on the steamer *Newport*, and by your direction remained in Cavite, pursuing the line of work marked out in your original instructions in San Francisco.

Four weeks were thus employed in the investigation of the political and social condition of the people of that territory, which, until the surrender of Manila, was accessible. Since the surrender of Manila I have continued to prosecute the investigation among the leading business and financial residents of Manila, principally Europeans.

SOURCES FROM WHICH INFORMATION WAS SOUGHT.

First. From Rear-Admiral Dewey, who cheerfully afforded full information as to his own relations to the people of the adjacent territory, and his own transactions with and treatment of them since the day he destroyed the Spanish fleet.

Second. Information furnished by General Anderson in the shape of letters, documents, proclamations, and communications from the insurgent leaders, and interviews with them.

Third. Daily association with the native people, and almost daily association and contact with officers and leaders of the insurgent forces in their barracks, official headquarters in Cavite, and through social intercourse in the homes of some of them. I was frequently at the house of Don Felipe Buncamino, near Cavite, where I met a number of persons selected for military or civil positions under the proposed government which Aguinaldo claimed to have established. One of the most intelligent and satisfactory of these was Señor Ibari, selected by Aguinaldo's alleged government as minister of the interior.

Fourth. Observation, conversation with, and investigation of cases of the prisoners held by the insurgents for alleged political offenses, and also military prisoners held by the same or our own forces in Cavite.

Fifth. Daily communication with the native people engaged in business or in service, investigating their habits, customs, and questioning, through an interpreter, as to the reason of the dissatisfaction of the native people and Mestizos with the Spanish Government.

Sixth. General observation, as above stated, intercourse, inquiry, and investigation among the European residents of Manila since the surrender.

From the foregoing investigation I have reached the following conclusions:

1. The mass of the people are docile and well disposed, and would cheerfully submit to any government that without insolence or oppression would firmly control and intelligently direct them.

2. The rebellion against the authorities of Spain was originally only an outbreak against the abuses and irritations, the agents and instruments of that government, and did not include any well-defined notion of independent national existence.

3. The people are not now fitted for local self-government or citizenship as those terms are used and understood in the United States.

4. Spain can not anywhere in the near future discharge the duty of government toward life and property in the island of Luzon.

5. The insurrectionary government, so called, could not sustain itself, even in this island.

6. The form of government maintained in the Territories of the United States, prior to their being admitted as States of the Union, is not practicable here at the present time.

Very respectfully,

CHARLES L. JEWETT,
Lieutenant-Colonel, Judge-Advocate, Eighth Army Corps.

MANILA, *August 29, 1898.*

The future of the Philippine Islands is an eager and most interesting question; and if the United States does not take these islands under their protection, the country will be utterly ruined and all the foreign merchants will leave these islands.

The retention of the island of Luzon only is not enough, and only a half measure, and the United States must take all or nothing. If the south of the Philippines remains in the hands of Spain, the insurgents will attack these islands and they will be in a constant revolt, exactly as happened in Cuba, and the United States will have a second edition of what has happened already, and will prepare a second war for the same reasons.

Spain will always remain as she is now. She will even be exactly the same under any form of government. The numerous empleados (officeholders) will always be the plague of all the ministers and always want lucrative posts with a high pay. They will never admit that it would be better for them and their country to work. As the positions of these empleados (officeholders) are very uncertain, their only object is, as soon as they occupy their posts, to make as much money as they can. Even those who occupy the very highest posts in the Philippines only attend to their own fortune and hardly pay attention to public affairs. As they give the example of a most corrupt

administration, they are unable to prevent their subordinates to do the same. The justice is likewise mismanaged, and when the accused does not bribe the judges they will leave them in jail for years without paying the slightest attention to these unfortunates, and some of these prisoners have been in jail more than ten years.

The monks, more united, have always taken advantage of the troubled state of affairs and offered their protection to those who consented in allowing the money of the government to go in their hands. They exacted all the money that they could of the Indians, and the Spanish governors protected openly these extortions. Such state of things exasperated the Filipinos, and those who suffered the most began the rebellion with a fury that astonished everybody.

The rebellion broke out from the lower classes, and they still predominate in the actual rebellion. Even the chiefs are ancient tenants of the monks. The rebellion has no committee or representatives in the United States, as the Cubans. This proves that those who revolted only act as mechanics and not as an intellectual people. Those who are in Hongkong, and represent there the revolution, went there as fugitives to escape from Manila, and later on they formed a meeting, and no serious man will admit that they are leading men of the revolution. Their names are not even known in Manila.

The Indians are good soldiers, and suffer very little of the war. They can stay for days in the swamps, or can make a long march in this hot climate without injury. White men can not stand it, and it must be recognized that if the Indians are very poor leaders in politics they are good enough soldiers to be taken in good consideration.

Since the Americans arrived in the Philippines a new period seems to take place, and many members of the upper classes of the Mestizos appeared amongst the rebels, and since then it has been possible to discuss some matters and to demonstrate to them that if they wanted to be taken into consideration that they must act as civilized people, and not retain as prisoners private citizens, women, and children, and drop many abuses that they commit exactly as the Spaniards have done and taught them. During the blockade of Manila many prominent families of Mestizos preferred to take refuge amongst the insurgents rather than stay at the mercy of the Spanish authorities in Manila, whose arbitrary acts are too well known.

There is actually in Europe and Paris an important colony of Filipinos belonging to the leading families of Manila, and these appear to be actually the representatives of the rebels. The principal of them pretended, however, that he never rebelled, and claimed his properties seized by the Spanish Government. He bribed the judges, and they publicly recognized that he never was a rebel, and restored his properties. Now he is the chief representative of the rebels. His name is P. P. Roxas. This duplicity is not much in his favor, but it reveals the character of the Indians or Mestizos, and in all their acts it will be remarked that they never are sincere.

Money is what misses the most to the rebellion, and this leads the rebels to many unlawful acts. Until the present time most all the money has been raised from the lower classes. The higher classes gave very little, and these are very unwilling to facilitate funds. This class is composed entirely of usurers and pawnees. All the pawnshops and gambling houses belong to the principal Mestizos families. There is not one family free of that stigma. This proves enough the morality of them, and what can be expected of them. They surely will not risk their capital in the rebellion, because they are

not sure enough that they will be repaid with interest. They do not care a snap for the country, and many told me that they would be glad to see the United States take these islands under their protection and put an end to the constant appeal of funds from the rebels. This was said to me by Benito Legarda, a rich Mestizo, who was with Aguinaldo in Bacoor and acted as counsel, and this deceived him.

In the plantations belonging to the rich families of Mestizos or Indians, the workmen are treated very inhumanly. If they do not work quick enough they treat them exactly as slaves were treated in South America. The most common punishment is to lash their backs with a thin bamboo; 25 lashes is the most ordinary punishment. I saw some receive 100 lashes in Negros Island, in the estate of Aniceto Lacson, an Indian. One hundred and twenty-five lashes were given to a man in Albay (south of Luzon) by the Indian mayor of Albay. The same man threatened to give 100 lashes to one of my workmen, but his wife warned me and I stopped it. Since then I stopped always this treatment when I happened to know it, and more than once had rows about it with the Spanish governor of the province, Mr. Valdes. This was in 1892. He told me that he would put me in prison if I interfered with the authorities. The custom all over the Philippines is to engage men and to pay for them their personal papers. This is the beginning of a debt that will make a slave of a man for each dollar advanced; an interest of 5 cents is added. At the slightest fault the man is fined and his debt grows. Whenever he needs money to baptize a baby or bury a parent the planter pays the fees direct to the curate, and always adds to the small sum advanced two or three dollars and the 5 cents for interest. This last way is the most heavy yoke. At the end of the year he owes his master $50 or $60, and as long as he does not pay his debt he is considered as a slave, and if he runs away he will be arrested and returned to his master and is awfully lashed.

When an estate is sold, nearly always the papers are accompanied with a list of the debtors. The buyer makes a bargain and buys the debts, and those who owe the money become his slaves. This is about the same as buying the slaves with a plantation. Now the Mestizos and Indians are the hardest masters, and if ever they dominate they will be most despotical to the Indians. The Spanish Government always tolerated this, and even protected those who used to treat the men as slaves and allowed the pirates to abuse the poor Indians. Therefore it is easy to show the Indian that it would be much better for him to be ruled by Americans than by his own countrymen. Whatever may be the education of the Mestizos they always will behave just the same as the Indians, from whom they descend. They will eat with their hands, go barefooted, and sit on the ground. There is an enormous difference between them and a white man.

In the assemblies of the chiefs of the rebels and of the Mestizos of Manila, even when very serious matters were discussed, they used to joke one with the other and give his neighbor a nip and a laugh and behave as monkeys would do. This happened the 21st of June in the house of P. Paterno in Manila, and in Cavite in the house of Ozorio on the 3d of August.

The Chinese Mestizos join the sordidness of the Indian to the craftiness of the Chinaman, and give the type of the rapacious Pawnee. The Spanish Mestizo joins the presumption of the Spaniard with the duplicity of the Indian, and give the type of the ———.

This is enough, I believe, to give a very slight idea of what the

Filipinos are and to demonstrate that they belong to an inferior race, unfitted to rule a country, and with such individuals distinguished rules must not be expected.

Of course the education and example given by the monks and Spaniards is the principal cause, but even then they are worse than their masters, and that proves their inferiority, and therefore it is more than time that the United States should have pity on these people and show them better.

The Spaniards, with their accustomed carelessness, are unable to manage properly the Philippines, and these rich islands, which contain gold, iron, coal, etc., and on which splendid forests are abandoned, there is only one very little railway, hardly some good bridges, and no harbors. Nothing has been done with the $15,000,000 that these islands give annually.

The foreign merchants in Manila are constantly robbed by the custom-house officers, and no protection is given to them. If a merchant makes a claim, he will be bothered all the year round. The United States can assure a steady government in these islands, and in their hands the country will increase in wealth, and will, in a short time, be able to return to the United States the money laid out; and it would be certainly much cheaper and more humane to take the entire Philippines than to keep only part of it and to run the risk of a second war with Spain for the very same reason that provoked the present conflict. It is a duty of the United States to do so and to protect the entire country. Everybody in the Philippines begs them for protection; even the Spanish merchants. Now, it is to be hoped that the United States will not deceive those who anxiously await the result of the meeting in Paris.

The Indians do not desire independence. They know that they are not strong enough. They trust the United States, and they know that they will be treated rightly. The present rebellion only represents a half per cent of the inhabitants, and it would not be right to oblige 6,000,000 inhabitants to submit to 30,000 rebels. Luzon is only partly held by them, and it is not to be expected that a civilized nation will make them present with the rest of the island, which is hostile to the tagals of Luzon. The Spanish officers refuse to fight for the sake of the priests, and if the Spanish Government should retain the Philippines their soldiers will all fall prisoners in the hands of the Indians in the same way as they did already, and this is because the army is sick of war without result, and only to put the country at the mercy of the rapacious empleados and luxurious monks.

The monks know that they are no more wanted in the Philippines, and they asked me to help them to go away as soon as possible, and it is principally for them that I asked for the transports to the United States Government, and to send them to Hongkong. The Indians will be delighted to see them go, and will be grateful to the United States.

If some chiefs of the rebellion will be a little disappointed in their personal pride, they will be convinced that it is better for them to submit in any case, for most of these chiefs prefer American authority, and they are very anxious to know the result of the meeting of Paris.

If the United States keeps the islands, they will remain quiet, but if the Spanish authority is restored in the islands, or part of them, they will attack the Spaniards and be in a constant revolt. This has been told to me by Aguinaldo, Landico, Ziroma, Mabim, and other principal chiefs, and repeated on Sunday, 28th of August.

Very respectfully, ANDRE.

HEADQUARTERS FIRST BRIGADE,
UNITED STATES EXPEDITIONARY FORCES,
Cavite Arsenal, Philippine Islands, July 4, 1898.

Señor Don EMILIO AGUINALDO,
Commanding Philippine Forces, Cavite, Luzon.

GENERAL: I have the honor to inform you that the United States of America, whose land forces I have the honor to command in this vicinity, being at war with the Kingdom of Spain, has entire sympathy and most friendly sentiments for the native people of the Philippine Islands.

For these reasons I desire to have the most amicable relations with you, and to have you and your people cooperate with us in military operations against the Spanish forces.

In our operations it has become necessary for us to occupy the town of Cavite as a base of operations. In doing this, I do not wish to interfere with your residence here and the exercise by yourself and other native citizens of all functions and privileges not inconsistent with military rule.

I would be pleased to be informed at once of any misconduct of soldiers under my command, as it is the intention of my Government to maintain order, and to treat all citizens with justice, courtesy, and kindness.

I have therefore the honor to ask your excellency to instruct your officials not to interfere with my officers in the performance of their duties and not to assume that they can not visit Cavite without permission.

Assuring you again of my most friendly sentiment and distinguished consideration, I am, with all respect,

THOMAS M. ANDERSON,
Brigadier-General, U. S. Volunteers, Commanding.

Brig. Gen. THOMAS M. ANDERSON,
Commanding the United States Volunteers.

GENERAL: Interpreting the sentiments of the Philippine people, I have the honor to express to your excellency my most profound gratefulness for the sympathy and amicable sentiments which the natives of these islands inspire the great North American nation and your excellency.

I also thank most profoundly your desire of having friendly relations with us, and of treating us with justice, courtesy, and kindness, which is also our constant wish to prove the same, and special satisfaction whenever occasion represents.

I have already ordered my people not to interfere in the least with your officers and men, orders which I shall reiterate to prevent their being unfulfilled; hoping that you will inform me of whatever misconduct that may be done by those in my command, so as to reprimand them and correspond with your wishes.

I beg of your excellency to accept in return the assurance of my most respectable consideration.

I remain, respectfully, EMILIO AGUINALDO.

HEADQUARTERS FIRST BRIGADE,
UNITED STATES EXPEDITIONARY FORCES,
Cavite Arsenal, Philippine Islands, July 6, 1898.

Señor Don EMILIO AGUINALDO Y FAMY,
Commanding Philippine Forces.

GENERAL: I am encouraged by the friendly sentiments expressed by your excellency in your welcome letter received on the 5th instant to endeavor to come to a definite understanding, which I hope will be advantageous to both.

Very soon we expect a large addition to our forces, and it must be apparent to you as a military officer that we will require much more room to camp our soldiers, and also storeroom for our supplies. For this I would like to have your excellency's advice and cooperation, as you are best acquainted with the resources of this country.

It must be apparent to you that we do not intend to remain here inactive, but to move promptly against our common enemy; but for a short time we must organize and land supplies and also retain a place for storing them near our fleet and transports.

I am solicitous to avoid any conflict of authority which may result from having two sets of military officers exercising command in the same place.

I am also anxious to avoid sickness by taking sanitary precautions. Your own medical officers have been making voluntary inspections with mine and fear epidemic disease, if the vicinity is not made clean. Would it not be well to have prisoners work to this end under the advice of the surgeons?

I again renew my assurances of distinguished consideration.

I am, with great respect,

THOMAS M. ANDERSON,
Brigadier-General, U. S. Volunteers, Commanding.

HEADQUARTERS EXPEDITIONARY FORCES
TO THE PHILIPPINE ISLANDS,
CHIEF QUARTERMASTER'S OFFICE,
Cavite, Philippine Islands, July 17, 1898.

Gen. EMILIO AGUINALDO,
Addressed.

SIR: General Anderson wishes me to say that the second expedition having arrived, he expects to encamp in the vicinity of Paranaque from 5,000 to 7,000 men. To do this, supply this army and shelter, it will require certain assistance from the Filipinos in this neighborhood. We will want horses, buffaloes, carts, etc., for transportation, bamboo for shelter, wood to cook with, etc. For all this we are willing to pay a fair price, but no more. We find so far that the native population are not willing to give us this assistance as promptly as required. But we must have it, and if it becomes necessary we will be compelled to send out parties to seize what we may need. We would regret very much to do this, as we are here to befriend the Filipinos. Our nation has spent millions of money to send forces here to expel the Spaniards and to give a good government to the whole people, and the return we are asking is comparatively slight.

General Anderson wishes you to inform your people that we are here for their good, and that they must supply us with labor and material at the current market prices.

We are prepared to purchase 500 horses at a fair price, but can not undertake to bargain for horses with each individual man.

I regret very much that I am unable to see you personally, as it is of the utmost importance that these arrangements should be made as soon as possible.

I will await your reply.

SAM R. JONES,
Major and Quartermaster, U. S. Volunteers,
Chief Quartermaster.

At 3.30 p. m. July 17, General Aguinaldo and secretary called to say that two Americans assuming to be officers had called and presented a letter as to which he requested a statement whether it was authorized.

The following indorsement was put upon it—

[First indorsement.]

HEADQUARTERS FIRST BRIGADE,
UNITED STATES EXPEDITIONARY FORCES,
Cavite Arsenal, Philippine Islands, July 17, 1898.

The request herein made by Major Jones, chief quartermaster, was made by my direction.

THOMAS M. ANDERSON,
Brigadier-General, U. S. Volunteers, Commanding.

HEADQUARTERS FIRST BRIGADE,
UNITED STATES EXPEDITIONARY FORCES,
Cavite Arsenal, Philippine Islands, July 19, 1898.

Señor Don EMILIO AGUINALDO,
Commanding General, Philippine Forces.

GENERAL: I have the honor to acknowledge the receipt of your letter of the 18th instant. Your offer of assistance is appreciated and your assurances of good will are most gratifying.

The difficulty of collecting supplies, referred to by you, is apprehended, and will be considered in fixing compensation.

As a medium of communication with your people, we will be pleased to have you assure them that there will be no confiscation of their property, that our requisitions will be reasonable, and that a fair compensation will always be given.

I remain, General, with all respect, your obedient servant,

THOMAS M. ANDERSON,
Brigadier-General, U. S. Volunteers, Commanding.

HEADQUARTERS FIRST BRIGADE,
UNITED STATES EXPEDITIONARY FORCES,
Cavite Arsenal, Philippine Islands, July 19, 1898.

Señor Don EMILIO AGUINALDO,
Commanding General, Philippine Forces.

GENERAL: The bearer, Maj. J. F. Bell, U. S. A., was sent by Maj. Gen. WESLEY MERRITT, U. S. A., to collect for him, by the time of his personal arrival, certain information concerning the strength and positions of the enemy and concerning the topography of the country surrounding Manila.

I would be obliged if you would permit him to see your maps and place at his disposal any information you may have on the above subjects, and also give him a letter or pass addressed to your subordinates which will authorize them to furnish him any information they can on these subjects, and to facilitate his passage along the lines upon a reconnoissance around Manila on which I propose to send him.

I remain, with great respect, your obedient servant,

THOMAS M. ANDERSON,
Brigadier-General, U. S. Volunteers, Commanding.

HEADQUARTERS, FIRST BRIGADE,
UNITED STATES EXPEDITIONARY FORCES,
Cavite Arsenal, P. I., July 21, 1898.

Señor Don EMILIO AGUINALDO,
Commanding General, Philippine Forces.

GENERAL: I have the honor to request that passes and such other assistance as practicable be given to the bearer, Lieut. E. J. Bryan, and party, who are making a reconnoissance of the surrounding country.

Thanking you for assistance given on previous occasions,
I remain, with great respect, your obedient servant,

THOMAS M. ANDERSON,
Brigadier-General, U. S. Volunteers, Commanding.

HEADQUARTERS FIRST BRIGADE,
UNITED STATES EXPEDITIONARY FORCES,
Cavite Arsenal, July 22, 1898.

Señor Don EMILIO AGUINALDO,
Commanding General Philippine Forces.

GENERAL: Replying to your excellency's letter in relation to the property of Don Antonio Osorio, I have the honor to state that if he transferred the property to you personally, before the capture of Cavite by our forces, it will give me great pleasure to transfer the property in question to you. If, however, the property was not transferred to your excellency until after the capture of Cavite, the property would appear to have been public Spanish property or contraband of war and subject to capture.

This property will be held subject to investigation, but Don Osorio must make his claim and offer his proof to the commanding officer of the American Army.

I observe that your excellency has announced yourself as a dictator and proclaimed martial law. As I am here simply in a military capacity, I have no authority to recognize this assumption. I have no orders from my Government on the subject; and so far as I can ascertain your independent status has not been recognized by any foreign power. Your fine intellect must perceive that, happy as I am to see you fighting so bravely and successfully against a common enemy, I can not, without orders, recognize your civil authority.

I remain, with great respect,

THOMAS M. ANDERSON,
Brigadier-General, U. S. Volunteers, Commanding.

HEADQUARTERS FIRST BRIGADE,
UNITED STATES EXPEDITIONARY FORCES,
Cavite Arsenal, Philippine Islands, July 23, 1898.

Señor Don EMILO AGUINALDO,
Commanding Philippine Forces.

GENERAL: When I came here three weeks ago I requested your excellency to give what assistance you could to procure means of transportation for the American army, as it was to fight in the cause of your people. So far we have received no response.

As you represent your people, I now have the honor to make requisition on you for 500 horses and 50 oxen and ox carts.

If you can not secure these, I will have to pass you and make requisition directly on the people.

I beg leave to request an answer at your earliest convenience.

I remain, with great respect,

THOMAS M. ANDERSON,
Brigadier-General, U. S. Volunteers, Commanding.

[Translation.]

BACOOR, *July 24, 1898.*

Señor Don THOMAS M. ANDERSON,
Brigadier-General, Commanding
Expeditionary Forces of the United States.

GENERAL: In answer to the letter of your excellency, dated the 22d of the current month, I have the honor to manifest to you the following:

That even supposing that the effects existing in the storehouse of Don Antonio Osorio were subject to capture, when I established myself in the plaza (town) of Kavite, Admiral Dewey authorized me to dispose of everything I might find in the same, including the arms which the Spanish left in the arsenal. But I was aware that the said effects belonged to the personal property of a Filipino, who traded in them by virtue of the payment of a contribution to the Spanish Government. I would not have touched them if the owner had not placed them at my disposition for the purposes of the war.

I came from Hongkong to prevent my countrymen from making common cause with the Spanish against the North Americans, pledging before my word to Admiral Dewey to not give place [to allow] to any internal discord, because, [being] a judge of their desires, I had

the strong convictions that I would succeed in both objects, establishing a government according to their desires.

Thus it is that in the beginning I proclaimed the dictatorship, and afterwards when some of the provinces had already liberated themselves from Spanish domination, I established a revolutionary government that to-day exists, giving it a democratic and popular character as far as the abnormal circumstances of war permitted, in order that they [the provinces] might be justly represented, and administered to their satisfaction. It is true that my government has not been acknowledged by any of the foreign powers, but we expected that the great North American nation, which struggled first for its independence, and afterwards for the abolition of slavery, and is now actually struggling for the independence of Cuba, would look upon it with greater benevolence than any other nation. Because of this we have always acknowledged the right of preference to our gratitude.

.Debtor to the generosity of the North Americans, and to the favors we have received through Admiral Dewey, and (being) more desirous than any other person of preventing any conflict which would have as a result foreign intervention, which must be extremely prejudicial, not alone to my nation but also to that of your excellency, I consider it my duty to advise you of the undesirability of disembarking North American troops in the places conquered by the Filipinos from the Spanish, without previous notice to this government, because as no formal agreement yet exists between the two nations the Philippine people might consider the occupation of its territories by North American troops as a violation of its rights.

I comprehend that without the destruction of the Spanish squadron the Philippine revolution would not have advanced so rapidly. Because of this I take the liberty of indicating to your excellency the necessity that, before disembarking, you should communicate in writing to this government the places that are to be occupied and also the object of the occupation, that the people may be advised in due form and [thus] prevent the commission of any transgression against friendship.

I can answer for my people, because they have given me evident proofs of their absolute confidence in my government, but I can not answer for that which another nation whose friendship is not well guaranteed might inspire in it [the people]; and it is certain that I do this not as a menace, but as a further proof of the true and sincere friendship which I have always professed for the North American people, in the complete security that it will find itself completely identified with our cause of liberty.

With the greatest respect and consideration,

EMILIO AGUINALDO.

[Translation.]

BACOOD, *July 24, 1898.*

Señor Don THOMAS M. ANDERSON,
Brigadier-General, Commander of the
Expeditionary Forces of the United States.

GENERAL: Replying to your letter of yesterday, I have the honor to manifest to your excellency that I am surprised beyond measure at that which you say to me in it, lamenting the nonreceipt of any response relative to the needs (or aids) that you have asked of me in

the way of horses, buffaloes, and carts, because I replied in a precise manner, through the bearer, that I was disposed to give convenient orders whenever you advised me of the number of these with due anticipation (notice).

I have circulated orders in the provinces in the proximity that in the shortest time possible horses be brought for sale, but I can not assure your excellency that we have the number of 500 that is needed, because horses are not abundant in these vicinities, owing to deaths caused by epizootic diseases in January and March last.

Whenever we have them united (or collected), I shall have the pleasure to advise your excellency.

I have also ordered to be placed at my disposal 50 carts that I shall place at your disposition whenever necessary, always (premising) that you afford me a previous advice of four days in anticipation.

Remaining, with great respect,

EMILIO AGUINALDO.

HEADQUARTERS FIRST BRIGADE,
UNITED STATES EXPEDITIONARY FORCES,
Cavite Arsenal, Philippine Islands, July 27, 1898.

Señor Don EMILIO AGUINALDO,
Commanding Philippine Forces.

GENERAL: Referring to your letter of the 24th instant, relative to the alleged property of Don Antonio Osorio, I have the honor to inform you that it has been forwarded to Maj. Gen. Wesley Merritt, commanding United States Expeditionary Forces, for his action.

Very respectfully,

THOMAS M. ANDERSON,
Brigadier-General, U. S. Volunteers, Commanding.

HEADQUARTERS FIRST BRIGADE,
UNITED STATES EXPEDITIONARY FORCES,
Cavite Arsenal, Philippine Islands, July 24, 1898.

Señor Don EMILIO AGUINALDO,
Commanding Philippine Forces.

GENERAL: Your favor of the 26th ultimo in relation to requisitions for cattle, horses, etc., is satisfactory. I regret that there should have been any misunderstanding about it. The people to whom we applied even for the hiring of caramates, etc., told our people that they had orders to supply nothing except by your orders. I am pleased to think that this was a misapprehension on their part.

We are not so unreasonable as to suppose that all we want can be supplied at once or from one place. We may even have to send to other islands. Our quartermaster will establish a depot near the American camp, where he will receive and pay for supplies, and from which he will send out parties to whatever places your excellency will indicate to transact business with your people.

With great regard, your obedient servant,

THOMAS M. ANDERSON,
Brigadier-General, U. S. Volunteers, Commanding.

HEADQUARTERS FIRST BRIGADE,
UNITED STATES EXPEDITIONARY FORCES,
Cavite Arsenal, Philippine Islands, July 27, 1898.

ADJUTANT-GENERAL,
United States Expeditionary Forces,
Manila Bay, Philippine Islands.

SIR: I have the honor to transmit to you the last letter I received from the insurgent chief, Aguinaldo, dated Bacood, July 24, 1898. This letter has not been answered by me.

My whole correspondence with him is also inclosed.

Very respectfully,

THOMAS M. ANDERSON,
Brigadier-General, U. S. Volunteers, Commanding.

HEADQUARTERS FIRST BRIGADE,
UNITED STATES EXPEDITIONARY FORCES,
Cavite Arsenal, Philippine Islands, July 14, 1898.

Señor Don EMILIO AGUINALDO,
Commanding Philippine Forces.

GENERAL: Wishing to get complete information of the approaches to Manila in every direction, I therefore have the honor to request that you give my officers all possible assistance in making reconnoissance to the lines and approaches, and that you favor them with your advice. Officers coming from me will have a note to that effect.

With great respect,

THOMAS M. ANDERSON,
Brigadier-General, U. S. Volunteers, Commanding.

AUGUST 1, 1898.

Mr. WILLIAMS.

DEAR SIR AND DISTINGUISHED FRIEND: Impressed by the note of July 8 past, I can only confess that the people of North America have excited, and now excite, the universal admiration not only for the grade of progress and culture to which they have arrived in a very short time, but also for their political constitution, so admirable and inimitable, and for the generosity, honesty, and industry of the men of the Government who have so far ruled the destinies of that great people without an equal in history.

Above all, I thank you sincerely for the kind words which you express in your note quoted above, and I congratulate you with all sincerity on the acuteness and ingenuity which you have displayed in it in painting in an admirable manner the benefits which, especially for me and my leaders, and, in general, for all my compatriots, would be secured by the union of these islands with the United States of America. Ah! that picture, so happy and so finished, is capable of fascinating not only the dreamy imagination of the impressionable Oriental, but also the cold and calculating thoughts of the sons of the North.

This is not saying that I am not of your opinion. I am fully persuaded that the Filipinos will arrive at the height of happiness and glory if in future they can show with raised heads the rights which to-

day are shown by the free citizens of North America. These islands will be in effect one of the richest and pleasantest countries of the globe if the capital and industry of North Americans come to develop the soil.

You say all this and yet more will result from annexing ourselves to your people, and I also believe the same since you are my friend and the friend of the Filipinos and have said it. But why should we say it? Will my people believe it?

I, with true knowledge of the character and habits of these people, do not dare assure you of it, since I have only wished to establish a government in order that none of those powers which you call ambitious should be able to take advantage of our good faith, as has been done in the past by the Spaniards. I have done what they desire, establishing a government in order that nothing important may be done without consulting fully their sovereign will, not only because it was my duty, but also because acting in any other manner they would fail to recognize me as the interpreter of their aspirations and would punish me as a traitor, replacing me by another more careful of his own honor and dignity.

I have said always, and I now repeat, that we recognize the right of the North Americans to our gratitude, for we do not forget for a moment the favors which we have received and are now receiving, but however great those favors may be it is not possible for me to remove the distrust of my compatriots.

These say that if the object of the United States is to annex these islands, why not recognize the government established in them in order in that manner to join with it the same as by annexation?

Why do not the American generals operate in conjunction with the Filipino generals and, uniting the forces, render the end more decisive?

Is it intended, indeed, to carry out annexation against the wish of these people, distorting the legal sense of that word? If the revolutionary government is the genuine representative by right and deed of the Filipino people, as we have proved when necessary, why is it wished to oppress instead of gaining their confidence and friendship?

It is useless for me to represent to my compatriots the favors received through Admiral Dewey, for they assert that up to the present the American forces have shown not an active, only a passive cooperation, from which they suppose that the intention of these forces are not for the best. They assert, besides, that it is possible to suppose that I was brought from Hongkong to assure those forces by my presence that the Filipinos would not make common cause with the Spaniards, and that they have delivered to the Filipinos the arms abandoned by the former in the Cavite Arsenal, in order to save themselves much labor, fatigue, blood, and treasure that a war with Spain would cost.

But I do not believe these unworthy suspicions. I have full confidence in the generosity and philanthropy which shine in characters of gold in the history of the privileged people of the United States, and for that reason, invoking the friendship which you profess for me and the love which you have for my people, I pray you earnestly, as also the distinguished generals who represent your country in these islands, that you entreat the Government at Washington to recognize the revolutionary government of the Filipinos, and I, for my part, will labor with all my power with my people that the United States shall not repent their sentiments of humanity in coming to the aid of an oppressed people.

Say to the Government at Washington that the Filipino people

abominate savagery, that in the midst of their past misfortunes they have learned to love liberty, order, justice, and civil life, and that they are not able to lay aside their own wishes when their future lot and history are under discussion. Say also that I and my leaders know what we owe to our unfortunate country, that we know how to admire and are ready to imitate the disinterestedness, the abnegation, and the patriotism of the grand men of America, among whom stands preeminent the immortal General Washington.

You and I both love the Filipinos; both see their progress, their prosperity, and their greatness. For this we should avoid any conflict which would be fatal to the interests of both peoples, who should always be brothers. In this you will acquire a name in the history of humanity and an ineradicable affection in the hearts of the Filipino people. (From General Aguinaldo to Mr. Williams, United States consul.)

AUGUST 13 AND 14.

General ANDERSON:

My troops, who have been for so long besieging Manila, have always been promised that they could appear in it, as you know and can not deny, and for this reason and on account of the many sacrifices made of money and lives, I do not consider it prudent to issue orders to the contrary, as they might be disobeyed against my authority. Besides, I hope that you will allow the troops to enter, because we have given proofs many times of our friendship, ceding our positions at Paranaque, Pasay, Cingalon, and Mytubig. Nevertheless, if it seems best to you, and in order to enter into a frank and friendly understanding and avoid any disagreeable conflict before the eyes of the Spaniards, I will commission Don Filipe Buencamino and others, who will to-day go out from our lines to hold a conference with you, and that they will be safe during the conference.

E. A. AGUINALDO.

[Most urgent.]

President of revolutionary government to General Anderson, Ermita.

PINEDA (received from Baccoor 10.50 a. m. 13th).

General ANDERSON, *Ermita:*

I received a telegram. My interpreter is in Cavite; in consequence of this I have not answered till now. My troops are forced by yours, by means of threats of violence, to retire from positions taken. It is necessary, to avoid conflicts, which I should lament, that you order your troops that they avoid difficulty with mine, as until now they have conducted themselves as brothers to take Manila.

I have given strict orders to my chiefs that they preserve strict respect to American forces and to aid them in case they are attacked by a common enemy. I do not doubt that the good relations and friendship which unite us will be continued if your soldiers correspond to the conduct imposed upon mine. (Communication received by General Anderson from Aguinaldo the day of the attack on Manila.)

HEADQUARTERS DEPARTMENT OF THE PACIFIC
AND EIGHTH ARMY CORPS,
Manila, Philippine Islands, August 20, 1898.

THE COMMANDING GENERAL OF THE PHILIPPINE FORCES.

SIR: The commanding general of American forces has received a memorandum addressed to General Anderson, which purports to contain a statement of certain desires on the part of the Filipinos. As most of them seem to be reasonable, it gives him much pleasure to say that he agrees to the following:

The forces of the Filipinos are to withdraw entirely beyond the jurisdiction of the old municipal limits, or walled city, and its suburbs—Binondo, Tondo, Santa Cruz, Quiapo, Sampaloc, San Miguel, Concepcion, Ermita, Malate, and Paco, or San Fernando dilo. The Filipinos will repair at once whatever may be needed, in order that the water may be turned on to the city, and the expenses of the repairs and the current expenses of the works will be paid by the city. The commander of the Filipinos agrees to be responsible for order and security at the pumping station.

Permission for the free navigation of the *Patria* to entrance and exit of the port and river Pasig, and that country products for sale be admitted free of duty is granted.

Free entrance and departure from the city for all Filipinos without arms is granted. Chiefs and officers of the Filipino army may, as a matter of courtesy, wear their side arms, though this is deprecated as possibly leading to the disturbance of the quiet of the city. No pistols should be carried.

The major-general having taken, for his own use, the palace at Malacanan, the request that it be turned over to the Filipinos can not be granted, and the convents at Malate, Ermita, and Paco can not be turned over and must be evacuated. The civil offices at Manila are being filled as rapidly as possible by Americans, and the commanding general will be glad to receive recommendations for appointments to offices of such Filipinos as may be considered fitted for the duties of subordinate offices.

American soldiers without arms are to be allowed to pass through the Filipinos' positions outside of the city, just as the Filipinos without arms are permitted to enter the city.

The return of the arms of the hundred and fifty men will be granted by the general in immediate command.

The opening of the waterworks at once and the retirement of your soldiers from the positions now occupied within the municipal jurisdiction will be sufficient notice on your part that everything is satisfactorily arranged on the terms of this letter. With the sincere hope that it may be speedily accomplished.

I am, very respectfully,

WESLEY MERRITT,
Major-General Commanding.

BAKOR, *August 21, 1898.*

COMMANDING-GENERAL OF THE AMERICAN FORCES OF THE PACIFIC.

SIR: The commanding-general of the Philippine forces has been favored by a letter from your excellency, dated the 20th of the present month, which contains the conditions to be accepted by the Filipinos,

namely, that they should evacuate the places which they now hold within the suburbs of Manila.

The before-mentioned letter speaks of the free navigation of the *Patria*, and as no boat of this name is counted by the Filipinos, he who subscribes would be pleased to have this point made more clear. It is understood that the Filipinos desire the protection of the American squadron, that they may have free navigation for all their boats, and free entrance to and departure from all ports which may be in possession of the same (squadron); but besides, in substitution of the proposed conditions, which the said letter does not mention, the Filipinos desire to continue in the occupation of that part of the suburbs of San Fernando de Dilao, or Paco, which is nearest the east of the bridge and stream of the same name, he who subscribes assuming responsibility for foreign interests which exist at said point. Equally they desire that in consequence of a treaty of peace which may be signed between the United States of America and Spain, the Philippines should continue in possession of the last named, that the American forces should turn over to the Filipinos all of the suburbs in consideration of the cooperation given by them in the taking of the Plaza of Manila. With these conditions and the others which are accepted in said letter, he who subscribes promises, in the name of the Filipinos, to evacuate the places which they now hold in the suburb; and the acceptation of the same by your excellency will be a further proof that he holds in consideration the innumerable lives sacrificed by the siege of Manila, and that he appreciates the newly arisen friendship which will be preserved at all cost.

Very respectfully, EMILIO AGUINALDO.

[Copy of telegram from General Aguinaldo to Major-General Merritt.]

AUGUST 24, 1898.

I have received notice of the death of 1 American soldier and 3 wounded. It is said that this happened by their being drunk. They fired in the air in the beginning, but afterwards fought among themselves.

General Anderson says death has been occasioned by my people, on account of which I have ordered investigation to ascertain the truth and demonstrate that the Filipinos try to be in harmony with the Americans. If I shall find any one of my people guilty, I shall order severe punishment.

Yours, respectfully, AGUINALDO.

OFFICE OF THE MILITARY GOVERNOR,
HEADQUARTERS DEPARTMENT OF THE PACIFIC,
Manila, August 24, 1898.

Gen. EMILIO AGUINALDO,
Bakor, Philippine Islands.

SIR: The commanding general of the American land forces has the honor to acknowledge the receipt of your communication of August 21, and in reply to inform you as follows:

The error you speak of which needs clearing up as to the navigation of the Patria seems to have arisen from a request on your part

that the Filipinos of the country should be permitted to trade freely and navigate without obstruction the streams and bay surrounding Manila. So far as the products of the country are concerned this has been acceded to, and there will be no obstruction placed by the American land forces between the residents of the island and the city of Manila.

The protection that you ask from the American squadron rests with Rear-Admiral Dewey, and it is for him to determine whether it can be granted or not.

A commission of your appointment, which had an interview with the undersigned about the 15th instant, agreed that if a line were designated by a proper commission on my part, the armed Filipinos should retire beyond it. While this has been done in some instances, it has been neglected in others, and it is now desired to call your attention to the fact that the occupation of the suburbs of Manila, or any part of them, can not be acceded to by the undersigned. It has already been pointed out to you that a dual occupation of Manila was impossible in the interests of either party; and as the troops of the United States are in possession of Manila, I must insist upon the carrying out of the original agreement between your commission and myself. I am the more insistent in this particular because recent instructions from my home Government contemplate this course.

So far as any promises as to what should be done in the event of a conclusion of a treaty between the United States and Spain is concerned, it is utterly impossible for me, as the military representative only of the United States, to make any promises such as you request. As you have already been informed you may depend upon the good will of Americans out here and the Government of which you already know the beneficence to determine these matters in the future.

This answer to your communication has been delayed by a press of business which could not very well be neglected.

I thank you in the name of my country for the good will expressed toward it, and feel assured that nothing will occur to mar the friendly feeling that now exists. It is for the interests of all that the good feeling which now exists between us should be carefully fostered and maintained.

Very respectfully, WESLEY MERRITT.

[Telegram.—Reply to telegram from General Aguinaldo, dated August 24.]

MALACANAN, *August 25, 1898—8.06 a. m.*

General AGUINALDO,
Commanding Philippine Forces, Bakor:

Thank you for your telegram. Am glad to learn of your intention to investigate fully. I am desirous with you that harmony should prevail, and request you always in event of trouble to communicate directly with me, as you have so wisely done this time.

MERRITT.

BAKOOR, *August 27, 1898.*

Gen. WESLEY MERRITT, *Manila.*

MY DEAR SIR: Though informed by your letter of the 24th of the current month, I can not the less express my surprise at learning that you have formed the opinion that my commissioners committed them-

selves at the conference of the 15th to the withdrawal of my troops outside the line that you designate. I hold it is agreed and understood, as do the commissioners, that the evacuation by my troops of the places that they to-day occupy in the outskirts was to take place as the proposed conditions were accepted by you. Among them was one putting this agreement in writing, for this reason, as you had not accepted any of the proposals nor those which had been put in their place in my former communications. I do not believe that I have up to this time contravened the said obligations.

Since I have permitted the use of water before the formal declaration of the treaty, you can easily see that I am disposed to sacrifice to friendship everything not greatly prejudicial to the rights of the Philippine city.

I comprehend, like yourself, the inconvenience of a double occupation of the city of Manila and its environs, considering the conditions of the capitulation with the Spaniards, but you must also understand that without the wide blockade maintained by my forces you would have obtained possession of the ruins of the city, but never the surrender of the Spanish forces, who would have been able to retire to the interior towns.

Now, do not make light of the aid formerly given by us to secure the capitulation mentioned. Greatly though justice may suffer, and risking well-founded fears in regard to my city, I do not insist upon the retention of all the positions conquered by my forces within the environs at the cost of much bloodshed, unspeakable fatigue, and much money, I promise to withdraw them to the following line:

In Malate the continuation of the highway (calzada of Singalong) as far as the bridge that unites it with this highway; from this bridge in a straight line to that of the Paco, and leaving outside the district of Zanque as far as the River Pasig; following this river and entering the estuary which runs to the bridge of Aviles; from this bridge, following the highway of the same name and that of Santa Mesa, which are the dividing lines between Sampaloc and the town of Pandacan, to the limits of the jurisdiction of the outskirts of Sampaloc, Turzo, and Tando. But before making this withdrawal I beg that you obtain from Admiral Dewey protection for the free navigation of our boats, and grant me permission to at least insist upon the restitution of the positions that we are going to give up if in the treaty of peace which is being arranged between Spain and the United States the recognition of the dominion of the former in the Philippines shall follow. I also hope that you will order the entrance into the city of the American forces which are outside the line traced, as has been already agreed.

I do not believe that the acceptance of the conditions proposed will be prejudicial in the smallest degree to the rights of the city, since it means only the recognition of the rights of a friendly town. I am forced to insist upon the said conditions to quiet the grumblings of my chiefs and soldiers, who have exposed their lives and given of their interests during the siege of Manila.

I hope that this time a spirit of justice will be manifest which is worthy of a free and admirably constituted government such as that of the United States of America.

Yours, very respectfully,

———— ————.

MEMORANDA CONCERNING THE SITUATION IN THE PHILIPPINES ON AUGUST 30, 1898, BY F. V. GREENE, MAJOR-GENERAL, VOLUNTEERS, AND ACCOMPANYING PAPERS.

[Washington, September 30, 1898.]

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THE PHILIPPINE ISLANDS.

(*a*) *Area and population.*—These islands, including the Ladrones, Carolines, and Palaos, which are all under the government of Manila, are variously estimated at from 1,200 to 1,800 in number. The greater portion of these are small and are of no more value than the islands off the coast of Alaska. The important islands are less than a dozen in number, and 90 per cent of the Christian population live on Luzon and the five principal islands of the Visayas group.

The total population is somewhere between 7,000,000 and 9,000,000. This includes the wild tribes of the mountains of Luzon and of the islands in the extreme south. The last census taken by the Spanish Government was on December 31, 1887, and this stated the Christian population to be 6,000,000 (in round numbers). This is distributed as follows:

	Area.	Population.	Per square mile.
Luzon	44,400	3,426,000	79
Panay	4,700	735,000	155
Cebu	2,400	504,000	210
Leyte	3,800	270,000	71
Bohol	1,300	245,000	188
Negros	3,300	242,000	73
	59,800	5,422,000	91

The density of population in these six islands is nearly 50 per cent greater than in Illinois and Indiana (census of 1890), greater than in Spain, about one-half as great as in France, and one-third as great as in Japan and China; the exact figures being as follows:

	Area.	Population.	Per square mile.
Illinois	56,000	3,826,351	68
Indiana	35,910	2,192,404	61
	91,910	6,018,755	64
Spain	197,670	17,565,632	88
France	204,092	38,517,975	189
Japan	147,655	42,270 620	286
China	1,312,328	383,253,029	292

The next most important islands in the order of population are:

	Area.	Population.	Per mile.
Mindanao	34,000	209,000	6
Samar	4,800	186,000	38
Mondoro	4,000	67,000	17
Romblon	600	35,000	58
Nasbate	1,400	21,000	15
	44,800	518,000	11

Various smaller islands, including the Carolines, Ladrones, and Palaos, carry the total area and Christian population to, area, 140,000; population, 6,000,000; per mile, 43.

This is considerably greater than the density of population in the States east of the Rocky Mountains. Owing to the existence of mountain ranges in all the islands, and lack of communications in the interior, only a small part of the surface is inhabited. In many provinces the density of population exceeds 200 per square mile, or greater than that of any of the United States, except Massachusetts and Rhode Island. The total area of the Philippines is about the same as that of Japan, but its civilized population is only one-seventh.

In addition to the Christian population, it is estimated (in the Official Guide) that the islands contain the following:

Chinese (principally in Manila)	75,000
Moors or Mohammedans in Paragan and Jolo	100,000
Moors or Mohammedans in Mindanao and Basalan	209,000
Heathens in the Philippines	830,000
Heathens in the Carolines and Palaos	50,000
Total	1,264,000

The Official Guide gives a list of more than thirty different races, each speaking a different dialect, but five-sixths of the Christian population are either Tagalos or Visayas. All the races are of the Malay type. Around Manila there has been some mixture of Chinese and Spanish blood with that of the natives, resulting in the Mestizos or half-breeds, but the number of these is not very great.

As seen in the provinces of Cavite and Manila, the natives (Tagalos) are of small stature, averaging probably 5 feet 4 inches in height and

120 pounds in weight for the women. Their skin is coppery brown, somewhat darker than that of a mulatto. They seem to be industrious and hard-working, although less so than the Chinese.

By the Spaniards they are considered indolent, crafty, untruthful, treacherous, cowardly, and cruel, but the hatred between the Spaniards and the native races is so intense and bitter that the Spanish opinion of the natives is of little or no value. To us they seemed industrious and docile, but there were occasional evidences of deceit and untruthfulness in their dealings with us. The bulk of the population is engaged in agriculture, and there were hardly any evidences of manufactures, arts, or mining. The greater number seemed to be able to read and write, but I have been unable to obtain any exact figures on this subject. They are all devout Roman Catholics, although they hate the monastic orders.

In Manila (and doubtless also in Cebu and Iloilo) are many thousands of educated natives, who are merchants, lawyers, doctors, and priests. They are well informed and have accumulated property. They have not traveled much, but there is said to be quite a numerous colony of rich Philippinos in Madrid, as well as in Paris and London. The bibliography of the Philippines is said to number 4,500 volumes, the greater part of which have been written by Spanish priests and missionaries. The number of books on the subject in the English language is probably less than a dozen.

(*b*) *Climate.*—The climate is one of the best known in the Tropics. The islands extend from 5° to 21° north latitude, and Manila is in 14° 35′. The thermometer during July and August rarely went below 79° or above 85°. The extreme ranges in a year are said to be 61° and 97°, and the annual mean 81°. There are three well-marked seasons, temperate and dry from November to February, hot and dry from March to May, and temperate and wet from June to October. The rainy season reaches its maximum in July and August, when the rains are constant and very heavy. The total rainfall has been as high as 114 inches in one year.

Yellow fever appears to be unknown. The diseases most fatal among the natives are cholera and smallpox, both of which are brought from China. Low malarial fever is brought on by sleeping on the ground or being chilled by remaining without exercise in wet clothes; and diarrhea is produced by drinking bad water or eating excessive quantities of fruit. Almost all of these diseases are preventable by proper precautions even by troops in campaign. The sickness in our troops was very small, much less than in the cold fogs at camp in San Francisco.

(*c*) *Mineral wealth.*—Very little is known concerning the mineral wealth of the islands. It is stated that there are deposits of coal, petroleum, iron, lead, sulphur, copper, and gold in the various islands, but little or nothing has been done to develop them. A few concessions have been granted for working mines, but the output is not large. The gold is reported on Luzon, coal and petroleum on Cebu and Iloilo, and sulphur on Leyte. The imports of coal in 1894 (the latest year for which statistics have been printed) were 91,511 tons, and it came principally from Australia and Japan. In the same year the imports of iron of all kinds were 9,632 tons.

If the Cebu coal proves to be of good quality, there is a large market for it in competition with coal from Japan and Australia.

(*d*) *Agriculture.*—Although agriculture is the chief occupation of the Philippines, yet only one-ninth of the surface is under cultivation.

The soil is very fertile, and even after deducting the mountainous areas it is probable that the area of cultivation can be very largely extended and that the islands can support a population equal to that of Japan (42,000,000).

The chief products are rice, corn, hemp, sugar, tobacco, cocoanuts, and cacao. Coffee and cotton were formerly produced in large quantities—the former for export and the latter for home consumption; but the coffee plant has been almost exterminated by insects and the home-made cotton cloths have been driven out by the competition of those imported from England. The rice and corn are principally produced in Luzon and Mindero and are consumed in the islands. The rice crop is about 765,000 tons. It is insufficient for the demand, and 45,000 tons of rice were imported in 1894, the greater portion from Saigon and the rest from Hongkong and Singapore; also 8,669 tons (say 60,000 barrels) of flour, of which more than two-thirds came from China and less than one-third from the United States.

The cacao is raised in the southern islands, the best quality of it at Mindanao. The production amounts only to 150 tons, and it is all made into chocolate and consumed in the islands.

The sugar cane is raised in the Visayas. The crop yielded in 1894 about 235,000 tons of raw sugar, of which one-tenth was consumed in the islands, and the balance, or 210,000 tons, valued at $11,000,000, was exported, the greater part to China, Great Britain, and Australia.

The hemp is produced in southern Luzon, Mindoro, the Visayas, and Mindanao. It is nearly all exported in bales. In 1894 the amount was 96,000 tons, valued at $12,000,000.

Tobacco is raised in all the islands, but the best quality and greatest amount in Luzon. A large amount is consumed in the islands, smoking being universal among women as well as the men, but the best quality is exported. The amount in 1894 was 7,000 tons of leaf tobacco, valued at $1,750,000. Spain takes 80 per cent and Egypt 10 per cent of the leaf tobacco. Of the manufactured tobacco 70 per cent goes to China and Singapore, 10 per cent to England, and 5 per cent to Spain.

Cocoanuts are grown in southern Luzon and are used in various ways. The products are largely consumed in the islands, but the exports in 1894 were valued at $2,400,000.

Cattle, goats, and sheep have been introduced from Spain, but they are not numerous. Domestic pigs and chickens are seen around everywhere in the farming districts.

The principal beast of burden is the carabao, or water buffalo, which is used for plowing rice fields as well as drawing heavy loads on sledges or on carts.

Large horses are almost unknown, but there are great numbers of native ponies from 9 to 12 hands high, possessing strength and endurance far beyond their size.

(*c*) *Commerce and transportation.*—The internal commerce between Manila and the different islands is quite large, but I was unable to find any official records giving exact figures concerning it. It is carried on almost entirely by water, in steamers of 500 to 1,000 tons. There are regular mail steamers once in two weeks on four routes, viz: Northern Luzon, southern Luzon, Visayas, and Mindanao; also a steamer every two months to the Carolines and Ladrones, and daily steamers on Manila Bay. These lines are all subsidized. To facilitate this navigation extensive harbor works have been in progress at Manila for several years, and a plan for lighting the coasts has been made,

calling for 43 principal lights, of which 17 have already been constructed in the most substantial manner, besides 16 lights of secondary importance.

There is only one line of railway, built by English capital, running from Manila north to Dagupan, a distance of about 120 miles. The roads in the immediate vicinity of Manila are macadamized and in fairly good order; elsewhere they are narrow paths of soft black soil, which become almost impassable in the rainy season. Transportation is then effected by sledges drawn through the mud by carabaos. There are telegraph lines connecting most of the provinces of Luzon with Manila, and cables to the Visayas and southern islands and thence to Borneo and Singapore, as well as a direct cable from Manila to Hongkong. The land telegraph lines are owned by the Government, and the cables all belong to an English company, which receives a large subsidy. In Manila there is a narrow-gauge street railway, operated by horsepower, about 11 miles in total length; also, a telephone system and electric lights.

Communications with Europe are maintained by the Spanish Trans-Atlantic Company (subsidized), which sends a steamer every four weeks from Manila and Barcelona, making the trip in about twenty-seven days; the same company also sends an intermediate steamer from Manila to Singapore, meeting the French Messageric steamer each way. There is also a nonsubsidized line running from Manila to Hongkong every two weeks, and connecting there with the English, French, and German mails for Europe, and with the Pacific Mail and Canadian Pacific steamers for Japan and America.

There has been no considerable development of manufacturing industries in the Philippines. The only factories are those connected with the preparation of rice, tobacco, and sugar. Of the manufactures and arts in which Japan so excels there is no evidence.

The foreign commerce amounted, in 1894, to $23,558,552 in imports and $33,149,984 in exports, 80 per cent of which goes through Manila. About 60 per cent of the trade is carried in British vessels, 20 per cent in Spanish, and 10 per cent in German.

The value of the commerce with other countries in 1894 was as follows:

[In millions of dollars (silver).]

	Imports.	Exports.
Spain	10.5	2.9
Great Britain	7.1	8.7
China	4.6	6.8
Germany	1.9	.....
Saigon	.9	.....
United States	.7	7.4
France	.7	1.2
Singapore	.4	1.7
Japan	.2	1.2
Australia	.1	2.6
Other countries	1.5	.6
Total	28.6	33.1

It is interesting to note that next to Great Britain we are the largest consumers of the Philippines, and that they export to us nearly three times as much as to Spain. On the other hand, Spain sells to the Philippines fifteen times as much as we do.

The articles of import and their value in 1894 were as follows:

[In millions of dollars (silver).]

	Spain.	Great Britain.	China.	Germany.	United States.	Other countries.	Total.
Cotton goods	3.9	4.0	.4	.3	.....	.7	9.3
Cotton yarns	1.2	.9	.2	.1	.....	.1	2.5
Wines	1.8	.....	.....	.....	.....	.1	1.9
Mineral oils	.....	.....	.2	.....	.4	*a* .8	1.4
Iron	.2	.7	.....	.2	.....	.1	1.2
Rice	.....	.....	1.0	.....	.....	.1	1.1
Flour	.....	.....	.7	.....	.2	.....	.9
Sweetmeats	.5	.....	.....	.....	.....	.3	.8
Paper	.4	.....	.....	.1	.....	.2	.7
Linen goods	.1	.1	.1	.....	.....	.3	.6
Hats	.1	.....	.....	.3	.....	.2	.6
Other articles	2.3	1.4	2.0	.9	.1	.9	7.6
Total	10.5	7.1	4.6	1.9	.7	3.8	28.6

a Russia.

The articles of export and their values were as follows:

[In millions of dollars (silver).]

	Spain.	Great Britain.	China.	United States.	Australia.	Other countries.	Total.
Hemp	.....	5.3	.9	6.6	.6	*a* 1.1	14.5
Sugar	.4	2.7	4.0	.7	1.9	*b* 1.3	11.0
Manufactured tobacco	.2	.1	.7	.....	.1	.7	1.8
Leaf tobacco	1.1	.....	.....	.....	.....	.3	1.4
Coffee	.3	.....	.1	.....	.....	.....	.4
Cocoanuts	.....	.6	.1	.....	.....	.....	.7
Other articles	.9	.....	1.0	.1	.....	1.3	3.3
Total	2.9	8.7	6.8	7.4	2.6	4.7	33.16

a Principally to Singapore. *b* Principally to Japan.

With these islands in our possession and the construction of railroads in the interior of Luzon, it is probable that an enormous extension could be given to this commerce, nearly all of which would come to the United States. Manila cigars of the best quality are unknown in America; they are but little inferior to the best of Cuba and cost only one-third as much. The coffee industry can be revived and the sugar industry extended, mainly for consumption in the far East. The mineral resources can be explored with American energy, and there is every reason to believe that when this is done the deposits of coal, iron, gold, and lead will be found very valuable. On the other hand, we ought to be able to secure the greater part of the trade which now goes to Spain in textile fabrics, and a considerable portion of that with England in the same goods and in iron.

(*f*) *Revenue and expenses.*—The budget for the fiscal year ending June 30, 1897, was as follows:

INCOME.

(1) Direct taxes	$8,496,170
(2) Indirect taxes (customs)	6,200,550
(3) Proceeds of monopolies	1,222,000
(4) Lottery	1,000,000
(5) Income of Government property	257,000
(6) Sundry receipts	298,300
Total	17,474,020

EXPENSES.

(1) General expenses, pensions, and interest	$1,506,686
(2) Diplomatic and consular service	74,000
(3) Clergy and courts	1,876,740
(4) War department	6,035,316
(5) Treasury department	1,392,414
(6) Navy department	3,562,716
(7) Civil administration	2,195,378
(8) Education	614,895
Total	17,258,145

The direct taxes were as follows:

(1) Real estate, 5 per cent on income	$140,280
(2) Industry and commerce	1,400,700
(3) Cedulas (poll tax)	5,600,000
(4) Chinese poll tax	510,190
(5) Tribute from sultan of Jolo	20,000
(6) Railroads, 10 per cent of passenger receipts	32,000
(7) Income tax, 10 per cent on public salaries	730,000
(8) Sundry taxes	63,000
Total	8,496,170

Indirect taxes were as follows:

(1) Imports	$3,600,000
(2) Exports	1,292,550
(3) Loading tax	410,000
(4) Unloading tax	570,000
(5) Fines and penalties	27,000
(6) Special tax on liquors, beer, vegetables, flour, salt, and mineral oils	301,000
	6,200,550

Monopolies:

(1) Opium contract	576,000
(2) Stamped paper and stamps	646,000
Total	1,222,000

Lottery:

(1) Sale of tickets, less cost of prizes	964,000
(2) Unclaimed prizes	30,000
(3) Sundry receipts	6,000
Total	1,000,000

Income of Government property:

(1) Foresty privileges	170,000
(2) Sale and rent of public land and buildings	85,000
(3) Mineral privileges	2,000
Total	257,000

Sundry receipts:

(1) Mint (seigniorage)	200,000
(2) Sundries	98,300
Total	298,300

The largest source of income is the cedula or poll tax. Every man and woman above 18 years of age, residing in the Philippines, whether Spanish subject or foreigner, is required to have in his or her possession a paper stating name, age, and occupation, and other facts of personal identity. Failure to produce and exhibit this when called upon renders anyone liable to arrest and imprisonment. This paper is

obtained from the internal-revenue office annually, on payment of a certain sum, varying, according to the occupation and income of the person, from 75 cents to $20, and averaging about $3 for each adult. An extra sum of 2 per cent is paid for expenses of collection. The tax is collected at the tribunal in each pueblo, and 20 per cent is retained for expenses of local administration and 80 per cent paid to the general treasury. This tax falls heavily on the poor and lightly on the rich. The tax on industry and commerce is similarly graded according to the volume of business transacted by each merchant or mercantile corporation. The tax on real estate is absurdly low and is levied only on municipal property and on the rent, not the value.

The tax on imports is specific and not ad valorem; it amounts to about 13 per cent of estimated values. The free list is very small, nearly everything of commercial value which is imported being subject to duty. The revenue from imports has increased from $566,143 in 1865 to $3,695,446 in 1894. It was about the same in 1897. On the other hand, the export tax, which was nothing in 1892, the loading tax, which was nothing in 1893, and the unloading tax, which was nothing in 1894, have all been increased in the last few years in order to meet the expenses of suppressing the insurrection. These three items yielded nearly $2,700,000 in 1897.

The monopoly of importing and selling opium is sold by auction to the highest bidder for a term of three years. The present contract runs until 1899, and yields $48,000 per month.

Every legal document must be drawn up on paper containing a revenue stamp engraved and printed in Spain, and every note, check, draft, bill of exchange, receipt, or similar document must bear a revenue stamp in order to be valid. These stamps and stamped paper yielded a revenue of $646,000 in 1897.

The lottery is conducted by the Government, the monthly drawings taking place in the treasury (hacienda) department. The sale of tickets yielded $1,000,000 over and above the prizes in 1897.

In a report to General Merritt on August 20, I recommended that the opium contract be canceled and the lottery abandoned during our occupation of Manila; and as the poll tax and tax on industry and commerce had been paid for the most part in the early part of the year, our chief sources of revenue were from the custom-house, the sale of stamps and stamped paper, and the sale of such licenses as the law allowed (amusements, liquor saloons, etc.), for the benefit of the city of Manila as distinguished from the general revenues. I estimated the total at about $500,000 per month.

The expenses of administering the military government of occupation (apart from the expenses of the army) will consist of the current expenses of the office at the provost-marshal-general's office and its various bureaus; at the custom-house, internal-revenue office, and other offices; and the salaries of interpreters and minor employees, who are anxious to resume work as soon as they dare do so. An estimate of these expenses was being prepared at the time I left, but was not completed. It can hardly exceed $200,000 per month, and may be much less. This should leave $300,000 (silver) excess of income per month to go toward the military expenses of occupation.

As soon as it is decided that we are to retain the islands it will be necessary to make a careful study of the sources of revenue and items of expense for all the islands, with a view to thoroughly understanding the subject, before introducing the extensive changes which will be necessary.

Currency.—The standard of value has always, until within a few years, been the Mexican milled dollar. The Spanish dollar contains a little less silver, and in order to introduce it and profit by the coinage the Spaniards prohibited the importation of Mexican dollars a few years since. Large numbers of Mexican dollars remained in the country, however, and others were smuggled in. The two dollars circulated at equal values.

All valuations of goods and labor are based on the silver dollar, and a change to the gold standard would result in great financial distress and many failures among the banks and mercantile houses in Manila. Their argument is that while an American 10-dollar gold piece will bring 21 silver dollars at any bank or house having foreign connections, yet it will not buy any more labor or any more hemp and sugar from the original producer than 10 silver dollars. The products of the country are almost entirely agricultural, and the agricultural class, whether it sells its labor or its products, would refuse to accept any less than the accustomed wages or prices on account of being paid in the more valuable coin. The result of this change would be that the merchant and employee would have to pay double for what they buy, and would receive no increase for what they sell. While trade would eventually adjust itself to the change, yet many merchants would be ruined in the process and would drag some banks down with them.

The Mexican dollar is the standard also in Hongkong and China, and the whole trade of the Far East has for generations been conducted on a silver basis. Japan has within the last year broken away from this and established the gold standard, but in doing so the relative value of silver and gold was fixed at 32½ to 1, or about the market rate.

Public debt.—I was unable to obtain any precise information in regard to the colonial debt. The last book on statistics of imports and exports was for the fiscal year 1894; and the last printed budget was for 1896–97, which was approved by the Queen Regent in August, 1896. Subsequent to this date, according to the statements made to us by foreign bankers, the Cortes authorized two colonial loans of $14,000,000 (silver) cash, known as Series A and Series B. The proceeds were to be used in suppressing the insurrection. Both were to be secured by a first lien on the receipts of the Manila custom-house.

Series A is said to have been sold in Spain and the proceeds to have been paid in to the colonial office, but no part of them has ever reached the Philippines. Possibly a portion of it was used in sending out the 25,000 troops which came from Spain to the Philippines in the autumn of 1896.

Series B was offered for sale in Manila, but was not taken. An effort was then made to obtain subscribers in the provinces, but with little or no success. The Government then notified the depositors in the Public Savings Bank (a branch of the treasury department similar to the postal savings bureaus in other countries) that their deposits would no longer be redeemed in cash but only in Series B bonds. Some depositors were frightened and took bonds, others declined to do so. Then came the blockade of Manila, and all business was practically suspended.

No printed report has been made concerning the debt, and I was unable to obtain any satisfactory statement of the matter from the Treasury officials. The exact facts in regard to the Series A bonds can be learned in Madrid, but it will be difficult to learn how much of Series B was issued and what consideration was received for them. As already stated, both series of bonds rest for security on the receipts of the Manila custom-house.

SPANISH TROOPS.

The Spanish prisoners of war number about 13,000, including about 400 officers. The infantry arms are about 22,000, the greater part Mauser, model 1895, caliber .28, and the others Remingtons, model 1889, caliber .43. The ammunition is about 22,000,000 rounds. The field artillery consists of about 12 breech-loading steel guns, caliber 3.5 inches, and 10 breech-loading mountain guns, caliber 3.2 inches. There are six horses (ponies) for each gun, but the harness is in bad order. Ammunition, about 60 rounds per gun, with possibly more in the arsenals. There are about 500 cavalry ponies, larger than the average horses, with saddles and equipments complete. There is also a battalion of engineers. The fortifications of the walled city are a fine sample of the Vauban type, on which military engineers expended so much ingenuity 150 years ago, and of which Spain possessed so many in her Flemish dominions.

The first walls of Manila were built about 1590, but the present fortifications date from a short time after the capture and occupation of the place by the English, in 1762–1764. They consist of bastions and curtains, deep-set ditch, covered way, lunettes, demilunes, hornworks, and all the scientific accessories of that day. They are in a good state of preservation, and mount several hundred ancient guns, but they are chiefly of interest to the antiquarian. On the glacis facing the bay, and also on the open space just south of the walls, are mounted 9-inch breechloaders, four in all, made at Hontoria, Spain, in 1884. They are well mounted between high traverses, in which are bomb-proof magazines. These guns are practically uninjured, and Admiral Dewey has the breechblocks. While not as powerful as the guns of the present day of the same caliber, they are capable of effective service. Their location, however, is very faulty, as they are on the shore of the bay, with all the churches, public buildings, and most valuable property immediately behind them.

On the day after the naval battle Admiral Dewey sent word to the Governor-General that if these guns fired a shot at any of his vessels he would immediately reply with his whole squadron. Owing to their location this meant a bombardment of the city. This threat was effective; these guns were never afterwards fired, not even during the great attack of August 13; and in return the navy did not fire on them, but directed all their shells at the forts and trenches occupied by the troops outside of the suburbs of the city.

Within the walled city are the cathedral and numerous churches, convents, and monasteries, the public offices, civil and military, military workshops and arsenals; barracks for artillery, cavalry, and engineers; storehouses, and a few dwellings and shops.

The infantry barracks are outside of the walls, four in number, viz, Neysig, Portin, Calzada, and Ermita. They are modern and well constructed and will accommodate about 4,000 men. They are now occupied by United States troops.

Under the terms of the armistice the arms laid down by the Spanish troops on August 14 are to be returned to them whenever they evacuate the city or the American Army evacuates it. All other public property, including horses, artillery, public funds, munitions, etc., is surrendered to the United States unconditionally.

The question of sending back the troops to Spain is left absolutely to the decision of the authorities in Washington. They are all within the walled city, but as the public buildings are insufficient to accom-

modate them they are quartered in the churches and convents. These buildings are not adapted for this purpose; they have no sinks, lavatories, kitchens, or sleeping apartments, and there is great danger of an epidemic of sickness if the troops are not soon removed.

Pending their removal they are being fed with rations furnished by the United States Commissary Department, and the officers receive from the United States sufficient money for their support.

SPANISH NAVY.

At the outbreak of the war the naval force in the Philippines consisted of 10 cruisers, 19 gunboats, 4 armed launches, 3 transports, $\frac{1}{3}^{7}$ survey boat.

Of these Admiral Dewey destroyed on May 1, 10 cruisers and 1 transport, and he has since captured 2 gunboats. The Spaniards have sunk 2 transports and 2 or 3 gunboats in the Pasig River. There remain 13 or 14 gunboats, which are scattered among the islands. They are of iron, from 140 to 200 tons each, are armed with 1 breech-loading rifle, caliber 3.6-inch, and 2 to 4 machine guns each, caliber .44 to 1 inch. One of the captured boats, the *Callao*, under command of Lieutenant Tappan, U. S. N., and a crew of 18 men, rendered very efficient service in the attack of August 13. These boats would all be useful in the naval police of the islands. They will, however, probably be scuttled by the Spaniards before the islands are surrendered.

The navy yard at Cavite has barracks for about 1,500 men (now occupied by United States troops), and has shops and ways for light work and vessels of less than 1,000 tons. Many of the gunboats above mentioned were built there. The shallow depth of water in Canacoa or Cavite Bay would prevent the enlargement of this naval station to accommodate large vessels, and the plan of the Spaniards was to create a large naval station in Subig Bay, on which considerable money has already been spent.

SPANISH CIVIL ADMINISTRATION.

The government of the Philippine Islands, including the Ladrones, Carolines, and Palaos, is vested in the Governor-General, who, in the language of the Spanish Official Guide or Blue Book, "is the sole and legitimate representative in these islands of the supreme power of the Government of the King of Spain, and as such is the supreme head of all branches of the public service and has authority to inspect and supervise the same, not excepting the courts of justice." The office is held by a lieutenant-general in the Spanish army; and he is also vice-royal patron of the Indies, exercising in these islands the ecclesiastical functions conferred on the King of Spain by various bulls of the Popes of Rome, captain-general in chief of the army of the Philippines, inspector-general of all branches of the service, commander in chief of the naval forces, and president of all corporations and societies which partake of an official character.

What corresponds to his cabinet or ministry of (*a*) the archbishop of Manila and four bishops, who administer ecclesiastical affairs in the five dioceses into which the islands are divided for this purpose; the appointment of parish priests and curates, however, is vested in the governor-general. The various religious orders which exercise so large an influence in the politics and business of the islands, viz, Agustinians, Dominicans, Recollects, Franciscans, Capuchins, Benedic-

tines, and Jesuits, are all under the management of the bishops, subject to the supervision of the Pope and the prerogatives of the King as royal patron, which prerogatives are exercised by the Governor-General as viceroy.

(*b*) The high court of justice in Manila, which is the court of appeals in civil and governmental cases for all the islands; there are two principal criminal courts, in Cebu and Vigan (northern Luzon), and appeal in criminal cases lies to these courts or to the high court of Manila; in every province there is a court of primary jurisdiction in both civil and criminal cases.

(*c*) The general second in command, who is a general of division in the Spanish army. He is the subinspector of all branches of the military service, is military governor of the province and city of Manila and commands all the troops stationed therein, and in the absence or sickness of the captain-general he commands all the military forces in the islands.

(*d*) The general commandant of dockyards and squadron. This post is filled by a vice-admiral in the Spanish navy, and he commands the naval forces, ships, and establishments in the islands.

(*e*) The minister of finance, or intendente general de hacienda, who is charged with the collection of customs and internal taxes, the expenditures of public money, and the audit and control of public accounts.

(*f*) The minister of the interior, or director-general of civil administration, who is charged with all public business relating to public instruction, charities, health, public works, forests, mines, agriculture, industry and commerce, posts and telegraphs, and meteorology.

For the purpose of local administration the islands are divided into provinces and districts, classified as follows: 19 civil governments, 24 political-military governments, 23 political-military commands, 15 military commands.

The most important of the provinces are Manila, with a population of 400,238 (of which 10 per cent are Chinese), and Cebu, with 504,076; and the least important districts are Balabas and Corregidor, with 420 and 320, respectively.

The governor or commandant has supreme control within his province or district of every branch of the public service, including the courts of justice, and each reports direct to the Governor-General. The guardia civil, or gendarmerie, is subject only to his orders, and for arrests and imprisonment for political offenses he is responsible, not to the law, but to the Governor-General and the King.

The civil governments are governed by civil governors of the rank in the Spanish civil service of chiefs of administration of the second class. The political military governments and commands are in charge of military and naval officers of various grades, according to their size and importance, ranging from general of division at Mindanao, brigadier-generals at Cebu and Iloilo, captain in the navy at Paraguay, down to lieutenant at Balabas and Corregidor.

The civil or military governor is assisted by a secretary, a judge, an administrator of finances, a postmaster, and a captain of police.

The affairs of cities are managed by a council (ayuntamiento) consisting of a presidente, a recorder (sindico), one or more mayors (alcalde), six to ten aldermen (regidores), and a secretary.

Outside of the cities each province or district is divided into a number of villages or parishes (pueblos). The total number of these is 1,055. In each there is a parish priest, a municipal captain, a justice of the peace, a schoolmaster, and schoolmistress. The number of cities

is very small, and the social life of the community depends almost wholly on the form of government of the pueblos or villages. In 1893 this was reorganized with the alleged intention of giving local self-government. The scheme is complicated and curious, and only an outline of it can be given here. It is contained in full in the royal decree of May 19, 1893, a long document supplemented by still longer regulations for carrying the same into effect.

In brief, every pueblo in which there are paid more than 1,000 cedulas (poll tax) shall have a municipal tribunal, consisting of five members, by whom its local affairs and funds shall be managed. The members are a municipal captain, senior lieutenant, lieutenant of police, lieutenant of agriculture, lieutenant of cattle; and the village priest is required to attend all the important meetings.

The captain holds office for four years and is eligible for indefinite reelection; the lieutenants hold office for four years also, one-half of them going out of office every two years, and they are ineligible for reelection until two years after the expiration of their term. Both captains and lieutenants are elected on a day designated by the governor, and in the presence of the village priest and the outgoing captain, by the principalia or body of principal men of the village. The village is subdivided into barangayes or group of about 100 families each, and for each barangay there is a chief or headman (cabeza), who is appointed by the governor on the recommendation of the municipal tribunal. The principalia is made up of former municipal captains, former municipal lieutenants, former gobernadorcillos, chiefs of barangayes.

All inhabitants paying more than $50 annually in taxes. The principalia choose the 13 electors, as follows: Six from the chiefs of barangayes, 3 from former municipal captains, and 3 from the largest taxpayers.

The electors hold office for six years, and one-third go out of office every two years.

The municipal captain must be a resident of the village, more than 25 years of age, read and speak Spanish, and be a chief of a barangay. While the municipal tribunal nominally controls the local affairs, yet the captain has the right to suspend all its acts which he considers against the public welfare, and report the matter to the provincial governor, who has power to rescind them. The captain appoints all village employees and removes them at will. He can also fine and punish them for petty offenses. He issues orders to the police and collects the taxes. He holds a commission as delegate or representative of the Governor-General, and, in fact, he exercises within his little bailiwick the same supreme power that the governor exercises in the province and the Governor-General in the whole archipelago.

In each province there is a junta or council, whose membership consists of the administrator of finance, two vicars, the public physician, four members.

The latter four members must be residents of the capital of the province, and they are elected by the municipal captains, from a list of names submitted to them by the junta, with the approval of the governor.

The functions of this junta or council are solely those of inspection and advice. It watches over the affairs of the municipal tribunals, and reports to the governor its advice and recommendations concerning them. The municipal captain is obliged to deposit the taxes in the provincial treasury, the keys of which are held by three members of

the council. He draws out the money in accordance with a municipal budget, and his accounts must be approved by his lieutenants, countersigned by the village priest, passed upon by the provincial council, and finally approved by the governor.

The governor has power to suspend the municipal captain or any of his colleagues for a period of three months, and the governor general can remove one or all of them from office at will, and "in extraordinary cases or for reasons of public tranquillity the governor shall have power to decree, without any legal prowess, the abolition of the municipal tribunals." (Article 45.)

In December, 1896, General Polavija issued a decree suspending the elections which were to take place that month for one-third of the municipal electors, and directed the governors of provinces to send in names of persons suitable for appointment, together with the recommendations of the village priest in each case.

An examination of this unique scheme of village government shows that one-half of the electors are to be chosen from persons holding a subordinate office and appointed by the governor; that the village priest must be present at all elections and important meetings; that the captain has all the responsibility and he must also be of the class holding a subordinate office by appointment of the governor; that the acts of the municipal tribunal can be suspended by the captain and rescinded by the governor, and finally, if the municipal tribunal is offensive to the Governor-General he can either remove its members and appoint others in their place or can abolish it altogether.

Such is the Spanish idea of self-government. The minister of the colonies in submitting the decree to the Queen Regent, expatiated on its merits in giving the natives such full control of their local affairs, and expressed the confident belief that it would prove "most beneficent to those people whom Providence has confided to the generous sovereignty of the Spanish monarchs."

This scheme of government by municipal tribunals was highly approved by the natives, except that feature of it which placed so much power in the hands of the governor and Governor General. This, however, was the essence of the matter from the Spanish standpoint, and these portions of the decree were the ones most fully carried out. The natives complained, on the one hand, of the delay in putting the decree into operation, and, on the other hand, that so much of it as was established was practically nullified by the action of the governors. Seeing that the tribunals had really no power, the members soon turned their sessions (which the decree required to be secret) into political meetings in favor of the insurrection. So the whole project is thus far a failure, and the local administration is in considerable disorder, apart from that caused by the insurgents. In point of fact, self-government and representation are unknown in these islands.

The archbishop and the four bishops are appointed by the Pope. The Governor-General, military and naval officers, and all officials with a salary exceeding about $2,000 (silver) are appointed by the King or the minister of the colonies. Yet all the expenses are paid from the Philippine treasury. The salaries of all officials—military, naval, civil, and ecclesiastical—the expenses and pensions of the army, navy, and church, the cost of the diplomatic and consular service in Japan, China, and Singapore, even a portion of the expenses of the colonial office at Madrid and of pensions paid to the descendants of Columbus, all come out of the taxes raised in the islands. The natives have no place in

the government, except clerks in the public offices at Manila and the petty positions in the villages and the ayuntemientos of cities, where their powers and responsibilities, as we have seen, are at all times limited and subject to revocation whenever disapproved by the governor.

Though the population of the islands is 40 per cent of that of Spain, they have no representation in the Cortes.

There is a widespread report, almost universally believed by native Filipinos and by foreign merchants, and even acknowledged by many Spaniards, that pecuniary dishonesty and corruption exist throughout the whole body of Spanish officeholders, from the highest to the lowest. Forced contributions are said to be levied on the salaries of minor officials, the regimental paymasters and commissaries are said to have sold part of the regimental stores for their own profit, the collector of customs and the minister of finance to have imposed or remitted fines at the custom-house and internal-revenue office according to payment or nonpayment of presents by merchants, the judges and court officials to have "borrowed" from attorneys large sums which are never paid, and even the Governor-General is reported to have organized a regular system of smuggling in Mexican dollars, the importation of which was prohibited by law, on a fixed scale of payment to himself. The current report is that Weyler carried away over $1,000,000 as his savings during the three years, from 1888 to 1891, that he held the office of Governor-General, on a salary of $40,000 a year. Of the proof of these reports I have naturally no personal knowledge, but they are matters of common talk and belief, and they have been stated to me by responsible persons who have long resided in the islands.

As above stated, the Governor-General is supreme head of every branch of the public service, not excepting the courts of justice. How this power was exercised is shown in the hundreds of executions for alleged political offenses which took place during the years 1895, 1896, and 1897, by the thousands deported to Mindanao and Fernando Po, and by the number of political prisoners in jail at the time of our entry into Manila. On the first examination which General MacArthur, as military governor, made of the jail, about August 22, he released over 60 prisoners confined for alleged political offenses. One of them was a woman who had been imprisoned for eleven years, by order of the Governor-General, but without any charges ever having been presented against her; another was a woman who had been in jail for three years on a vague charge, never formulated, of having carried a basket of cartridges to an insurgent.

The day of reckoning for three centuries of this sort of government came when Admiral Dewey destroyed the Spanish squadron on May 1, 1898. An insurrection had been in progress from August, 1896, to December, 1897. Unable to suppress it, the Government made a written treaty with the insurgent leaders, paying them a large sum of money and promising to introduce various reforms on condition that they would leave the country. Hardly had the Spanish officials recovered from this when the appalling disaster of the destruction of their fleet occurred under their very eyes.

Then followed in rapid succession the naval blockade, the arrival of the insurgent leaders from Hongkong, the raising of an insurgent army, which blockaded Manila on the land side, and finally the American troops. At the end of 104 days after the destruction of the Spanish fleet the city surrendered to a combined land and naval attack of the American forces. On the day after the capitulation the American commander in chief issued his proclamation establishing a military

government, appointed a military governor, a minister of finance, a collector of customs, collector of internal revenue, postmaster, and judge of the provost court; took possession of all public funds (about $900,000) and all public offices, and as rapidly as possible put this government in operation.

The machinery of the Spanish Government was thoroughly disorganized when we entered Manila. The courts of justice, except the inferior criminal courts, had not been in session since early in May; the officials had been cut off from communication with the other islands and with Spain for over three months; there had been no customs to collect, and owing to the entire suspension of business, but little internal revenue; a forced loan of $2,000,000 for military purposes had been extracted from the Spanish-Philippine Bank, and yet the troops were several months in arrears of pay; all Government officers outside the walled city had been moved to temporary quarters within the walls, and their records had been lost or thrown into confusion; the officials, seeing the inevitable end in sight, were intent only on planning for their return to Spain.

This disorganization was completed when the American military officers took charge of the government and every Spanish official without exception refused absolutely to continue in service. They were immediately dismissed and dispersed.

The situation thus created is without precedent in American history. When Scott captured the City of Mexico it was acknowledged on both sides that his occupation was only to be temporary, and there were no insurgents to deal with. When the Americans entered California they found only a scanty population, who were soon outnumbered by the American immigrants. But in the Philippine Islands there is a population of more than 7,000,000, governed by an alien race whose representatives present in the islands, including military and naval forces, clergy, and civil employees, do not exceed 30,000 in number. Against this government an insurrection is in progress which claims to have been successful in provinces containing a population of about 2,000,000. The city and province of Manila, with a population of 400,000 more, have been captured and occupied by a foreign army, but whether its occupation is to be temporary or permanent has not yet been decided.

Finally the Government officials of all classes refuse to perform their functions. The desire of the most of them is to escape to Spain. It was stipulated in the capitulation that they should have the right to do so at their own expense, and numbers of them, as well as friars, have already taken their departure. The Spanish officials have intense fear of the insurgents; and the latter hate them, as well as the friars, with a virulence that can hardly be described. They have fought them with success and almost without interruption for two years, and they will continue to fight them with increased vigor and still greater prospects of success if any attempt is made to restore the Spanish government. In its present disorganized condition the Spanish Government could not successfully cope with them; on the other hand, it would not surrender to them. The result, therefore, of an attempted restoration of Spanish power in any of the islands would simply be civil war and anarchy, leading inevitably and speedily to intervention by foreign nations whose subjects have property in the islands which they would not allow to be destroyed.

Insurgent troops.—It is very difficult to give exact figures for the numbers of insurgent troops. In his message to foreign governments

of August 6, asking for recognition of belligerency and independence, Aguinaldo claims to have a force of 30,000 men, organized into a regular army. This included the force in the provinces of Luzon outside of Manila. What was in evidence around Manila varied from 10,000 to 15,000. They were composed of young men and boys, some as young as 15 years of age, recruited in the rural districts, having no property and nothing to lose in a civil war. They have received no pay, and although Aguinaldo speaks in his proclamation of his intention and ability to maintain order wherever his forces penetrate, yet the feeling is practically universal among the rank and file that they are to be compensated for their time and services and hardships by looting Manila.

Their equipment consists of a gun, bayonet, and cartridge box; their uniform of a straw hat, gingham shirt, and trousers and bare feet; their transportation of a few ponies and carts, impressed for a day or a week at a time; for quarters they have taken the public building in each village or pueblo, locally known as the Tribunal, and the churches and convents; from these, details are sent out to man the trenches. Their food while on duty consists of rice and banana leaves, cooked at the quarters and sent out to the trenches. After a few days or a week of active service they return to their homes to feed up or to work on their farms, their places being taken by others, to whom they turn over their guns and cartridges.

Their arms have been obtained from various sources—from purchases in Hongkong; from the supply which Admiral Dewey found in the arsenal at Cavite; from capture made from the Spaniards. They are partly Mausers and partly Remingtons. Their ammunition was obtained in the same way. They have used it freely, and the supply is now rather short. To replenish it they have established a cartridge factory at the village of Imus, about 10 miles south of Cavite, where they have 400 people engaged in reloading cartridges with powder and lead found at Cavite or purchased abroad. They have no artillery, except a few antique columbiads obtained from Cavite, and no cavalry. Their method of warfare is to dig a trench in front of the Spanish position, cover it with mats as a protection against the sun and rain, and during the night put their guns on top of the trench above their heads and fire in the general direction of the enemy. When their ammunition is exhausted, they go off in a body to get a fresh supply in baskets, and then return to the trenches.

The men are of small stature, from 5 feet to 5 feet 6 inches in height, and weigh from 110 to 130 pounds. Compared with them, our men from Colorado and California seemed like a race of giants. One afternoon, just after we entered Manila, a battalion of the insurgents fired upon the outposts of the Colorado regiment, mistaking them, as they claimed, for Spaniards. The outpost retreated to their support and the Filipinos followed; they easily fell into an ambush, and the support, numbering about 80 men, surrounded the 250 Filipinos, wrenched the guns out of their hands, and marched them off as unarmed prisoners, all in the space of a few minutes. Such a force can hardly be called an army, and yet the service which it has rendered should not be underestimated. Between 2,000 and 3,000 Spanish native troops surrendered to it during the months of June and July; it constantly annoyed and harassed the Spaniards in the trenches, keeping them up at night and wearing them out with fatigue; and it invested Manila early in July so completely that all supplies were cut off and the inhabitants, as well as the Spanish troops, were forced to live on horse

and buffalo meat, and the Chinese population on cats and dogs. It captured the waterworks of Manila and cut off the water supply, and if it had been in the dry season would have inflicted great suffering on the inhabitants for lack of water.

These results, it is true, were obtained against a dispirited army containing a considerable number of native troops of doubtful loyalty. Yet from August, 1896, to April, 1897, they fought 25,000 of the best regular troops sent out from Spain, inflicting on them a loss of over 150 officers and 2,500 men killed and wounded, and they suffered still greater losses themselves. Nevertheless, from daily contact with them for six weeks, I am very confident that no such results could have been obtained against an American army, which would have driven them back to the hills and reduced them to a petty guerrilla warfare. If they attack the American army this will certainly be the result; and while these guerrilla bands might give some trouble so long as their ammunition lasted, yet with our navy guarding the coasts and our army pursuing them on land, it would not be long before they were reduced to subjection.

Insurgent civil administration.—In August, 1896, an insurrection broke out in Cavite under the leadership of Emilio Aguinaldo, and soon spread to other provinces on both sides of Manila. It continued with varying successes on both sides, and the trial and execution of numerous insurgents, until December, 1897, when the Governor-General, Primo de Rivera, entered into written agreement with Aguinaldo, the substance of the document, which is in possession of Senor Felipe Agoncillo, who accompanies me to Washington, being attached hereto and marked A. In brief, it required that Aguinaldo and the other insurgent leaders should leave the country, the Government agreeing to pay them $800,000 in silver and promising to introduce numerous reforms, including representation in the Spanish Cortes, freedom of the press, general amnesty for all insurgents, and the expulsion or secularization of the monastic orders.

Aguinaldo and his associates went to Hongkong and Singapore. A portion of the money, $400,000, was deposited in banks at Hongkong, and a lawsuit soon arose between Aguinaldo and one of his subordinate chiefs named Artacho, which is interesting on account of the very honorable position taken by Aguinaldo. Artacho sued for a division of the money among the insurgents according to rank. Aguinaldo claimed that the money was a trust fund, and was to remain on deposit until it was seen whether the Spaniards would carry out their promised reforms, and if they failed to do so, it was to be used to defray the expenses of a new insurrection. The suit was settled out of court by paying Artacho $5,000.

No steps have been taken to introduce the reforms, more than 2,000 insurgents, who had been deported to Fernando Po and other places, are still in confinement, and Aguinaldo is now using the money to carry on the operations of the present insurrection.

On the 24th day of April Aguinaldo met the United States consul and others at Singapore and offered to begin a new insurrection in conjunction with the operations of the United States Navy at Manila. This was telegraphed to Admiral Dewey, and by his consent, or at his request, Aguinaldo left Singapore for Hongkong on April 26; and when the *McCulloch* went to Hongkong early in May to carry the news of Admiral Dewey's victory, it took Aguinaldo and seventeen other revolutionary chiefs on board and brought them to Manila Bay. They soon after landed at Cavite, and the Admiral allowed them to take such

guns, ammunition, and stores as he did not require for himself. With these, and some other arms which he had brought from Hongkong, Aguinaldo armed his followers, who rapidly assembled at Cavite, and in a few weeks he began moving against the Spaniards. Part of them surrendered, giving him more arms, and the others retreated to Manila.

Soon afterwards two ships which were the private property of Senor Agoncillo and other insurgent sympathizers were converted into cruisers and sent with insurgent troops to Subig Bay and other places to capture provinces outside of Manila. They were very successful, the native militia in Spanish service capitulating with their arms in nearly every case without serious resistance. On the 18th of June Aguinaldo issued a proclamation from Cavite establishing a dictatorial government, with himself as dictator. In each village or pueblo a chief (jefe) was to be elected, and in each ward a headman (cabeza); also in each pueblo three delegates—one of police, one of justice, and one of taxes. These were to constitute the junta or assembly, and after consulting the junta the chiefs of pueblos were to elect a chief of province and three councilors—one of police, one of justice, and one of taxes. They were also to elect one or more representatives from each province to form the revolutionary congress.

This was followed on June 20 by a decree giving more detailed instructions in regard to the elections. On June 23 another decree followed changing the title of the government from dictatorial to revolutionary, and of the chief officer from dictator to president; announcing a cabinet, with a minister of foreign affairs, marine, and commerce, another of war and public works, another of police and internal order, justice, instruction, and hygiene, and another of taxes, agriculture, and manufactures; the powers of the president and congress were defined, and a code of military justice was formulated.

On the same date a manifesto was issued to the world explaining the reasons and purposes of the revolution. On June 27 another decree was issued containing instructions in regard to elections. On August 6 an address was issued to foreign governments stating that the revolutionary government was in operation and control in 15 provinces, and that in response to the petition of the duly elected chiefs of these provinces an appeal is made for recognition of belligerency and independence. Translations of these various documents are all appended, marked B, C, D, E, F, G, and H.

The scheme of government is set forth in the decree of June 23, marked D. An examination of this document shows that it provides a dictatorship of the familiar South American type. All power is centered in the president, and he is not responsible to anyone for his acts. He is declared to be "the personification of the Philippine public, and in this view can not be held responsible while he holds office. His term will last until the revolution triumphs." He appoints not only the heads of departments, but all their subordinates, and without reference to congress. This body is composed of a single chamber of representatives from each province. The election is to be conducted by an agent of the president, and the qualifications of electors are "those inhabitants most distinguished for high character, social position, and honorable conduct."

If any province is still under Spanish rule its representative is to be appointed by the president. Congress is to deliberate on "all grave and transcendental questions whose decision admits of delay and adjournment, but the president may decide questions of urgent character, giving the reasons for his decision in a message to congress." The

acts of congress are not binding until approved by the president, and he has power of absolute veto.

Congress was to hold its first session at Malolos about September 20.

While this scheme of government is a pure despotism, yet it claims to be only temporary, and intended to "prepare the country so that a true republic may be established." It also provides a rude form of governmental machinery for managing the affairs of the provinces. To what extent it has actually gone into operation it is difficult to say. Aguinaldo claims in his address of August 6 that it is in force in fifteen provinces whose aggregate population is about 2,000,000. They include the island of Mindoro and about one-half of Luzon. None of these (except Cavite) have yet been visited by Americans, and all communication with them by the Spanish Government at Manila has been cut off since May 1.

In the Province of Cavite and that portion of the Province of Manila outside of the city and its suburbs which was occupied by the insurgent troops, as well as those of the United States, their military forces, military headquarters, etc., were very much in evidence, occupying the principal houses and churches in every village and hamlet, but there were no signs of civil government or administration. It was reported, however, that Aguinaldo's agents were levying taxes or forced contributions not only in the outside villages, but (after we entered Manila) by means of secret agents in the market places of the city itself. At Aguinaldo's headquarters, in Bacoor, there were signs of activity and business, and it was reported that his cabinet officers were in constant session there. Aguinaldo himself never failed to claim all the prerogatives due to his alleged position as the de facto ruler of the country.

The only general officer who saw him or had any direct communication with him was General Anderson. He did much to thwart this officer in organizing a native wagon train and otherwise providing for his troops, and he went so far in a letter of July 23 (copy herewith marked J) as to warn General Anderson not to land American troops on Philippine soil without his consent—a notice which it is hardly necessary to say was ignored. The day before the attack on Manila he sent staff officers to the same general asking for our plans of attack so that their troops could enter Manila with us. The same request had previously been made to me by one of his brigade commanders, to which I replied that I was not authorized to give the information desired.

Aguinaldo did not call upon General Merritt on his arrival, and this enabled the latter to avoid any communication with him, either direct or indirect, until after Manila had been taken. General Merritt then received one of Aguinaldo's staff officers in his office as military governor. The interview lasted more than an hour. General Merritt referred to his proclamation as showing the conditions under which the American troops had come to Manila and the nature of the military government which would be maintained until further orders from Washington. He agreed upon the lines outside of the city of Manila up to which the insurgent troops could come, but no farther, with arms in their hands; he asked for possession of the waterworks, which was given; and while expressing our friendship and sympathy for the Philippine people, he stated very positively that the United States Government had placed at his disposal an ample force for carrying out his instructions, and even if the services of Aguinaldo's forces had been needed as allies he should not have felt at liberty to accept them.

The problem of how to deal with Aguinaldo's government and troops will necessarily be accompanied with embarrassment and difficulty, and

will require much tact and skill in its solution. The United States Government, through its naval commander, has to some extent made use of them for a distinct military purpose, viz, to harass and annoy the Spanish troops, to wear them out in the trenches, to blockade Manila on the land side, and to do as much damage as possible to the Spanish Government prior to the arrival of our troops; and for this purpose the admiral allowed them to take arms and munitions which he had captured at Cavite and their ships to pass in and out of Manila Bay in their expeditions against other provinces. But the admiral has been very careful to give Aguinaldo no assurances of recognition and no pledges or promises of any description. The services which Aguinaldo and his adherents rendered in preparing the way for attack on Manila are certainly entitled to consideration; but, after all, they were small in comparison with what was done by our own fleet and army.

There is no reason to believe that Aguinaldo's government has any elements of stability. In the first place, Aguinaldo is a young man of 28 years; prior to the insurrection of 1896 he had been a schoolmaster and afterwards gobernadorcillo and municipal captain in one of the pueblos of the Province of Cavite. He is not devoid of ability, and he is surrounded by clever writers. But the educated and intelligent Filipinos of Manila say that not only is he lacking in ability to be at the head of affairs, but if an election for president was held he would not even be a candidate. He is a successful leader of insurgents, has the confidence of young men in the country districts, prides himself on his military ability, and if a republic could be established the post he would probably choose for himself would be general-in-chief of the army.

In the next place, Aguinaldo's government, or any entirely independent government, does not command the hearty support of the large body of the Filipinos, both in Manila and outside, who have property, education, and intelligence. Their hatred of Spanish rule is very keen, and they will cooperate with Aguinaldo or anyone else to destroy it. But after that is done they fully realize that they must have the support of some strong nation for many years before they will be in a position to manage their own affairs alone. The nation to which they all turn is America, and their ideal is a Philippine republic under American protection, such as they have heard is to be granted to Cuba. But when it comes to defining their ideas of protection and the respective rights and duties of each under it—what portion of the government is to be administered by them and what portion by us; how the revenues are to be collected, and in what proportion the expenses are to be divided—they have no clearly defined ideas at all; nor is it to be expected that they should have, after generations of Spanish rule, without any experience in self government. The sentiment of this class—the educated natives with property at stake—looks upon the prospect of Aguinaldo's government and forces entering Manila with almost as much dread as the foreign merchants or the Spaniards themselves.

Finally, it must be remembered that this is purely a Tagalo insurrection. There are upwards of thirty races in the Philippines, each speaking a different dialect; but five-sixths of the entire Christian population is composed of the Tagalos and Visayas. The former live in Mindoro and the southern half of Luzon, and the latter in Cebu, Iloilo, and other islands in the center of the group. The Tagalos are more numerous than the Visayas, but both races are about equal in civilization, intelligence, and wealth. It is claimed by Aguinaldo's partisans that

the Visayas are in sympathy with his insurrection and intend to send representatives to the congress. But it is a fact that the Visayas have taken no active part in the present insurrection, nor in that of 1896; that the Spanish Government is still in full control at Cebu and Iloilo and in the Visayas' islands, and that Aguinaldo has as yet made no effort to attack them. The Visayas number nearly 2,000,000, or about as many as the population of all the Tagalo provinces which Aguinaldo claims to have captured. There is no evidence to show that they will support his pretensions, and many reasons to believe that, on account of racial prejudices and jealousies and other causes, they will oppose him.

Upon one point all are agreed, except possibly Aguinaldo and his immediate adherents, and that is that no native government can maintain itself without the active support and protection of a strong foreign government. This being admitted, it is difficult to see how any foreign government can give this protection without taking such an active part in the management of affairs as is practically equivalent to governing in its own name and for its own account.

United States troops and navy.—I assume that the reports received at the War and Navy Departments give all the desired information in regard to the military forces of the United States.

At the time I left (August 30) the Eighth Corps consisted of two divisions, numbering in all about 12,000 men, with 16 field guns and 6 mountain guns. No wagons or animals had then arrived.

One regiment was stationed within the walled city guarding its gates and the captured guns and ammunition; a small force was at Cavite, and the bulk of the troops were in Manila outside of the walled city. They were quartered in the Spanish barracks, which were all in good condition, and in convents and private houses. The health of the troops was excellent, notwithstanding the extraordinary hardships to which they had been subjected in the trenches before Manila.

Admiral Dewey had under his command the *Charleston*, *Monterey*, and *Monadnock*, which arrived in July and August; the *Callao* and *Leyte*, which had been captured from the Spaniards, and the ships which were in the battle of May 1, viz, the *Olympia*, *Boston*, *Baltimore*, *Raleigh*, *Concord*, *Petrel*, and *McCulloch*. The health of the squadron was excellent. The *Olympia* and *Concord* were being docked and cleaned at Hongkong. Permission to use the docks at Nagasaki during the suspension of hostilities had been declined.

United States civil administration.—We entered Manila on the afternoon of August 13. On the 14th the capitulation was signed, and the same day General Merritt issued his proclamation establishing a military government. On the 15th General McArthur was appointed military commandant of the walled city and provost-marshal-general of the city of Manila and its suburbs, and on the 17th I was appointed to take charge of the duties performed by the intendente general de hacienda, or minister of finance, and all fiscal affairs. Representatives of the Post-Office Department had arrived on the steamship *China* in July, and they immediately took charge of the Manila post-office, which was opened for business on the 16th. The custom-house was opened on the 18th with Lieutenant-Colonel Whittier as collector, and the internal-revenue office with Major Bement as collector, on the 22d. Captain Glass, of the Navy, was appointed captain of the port, or naval officer, and took charge of the office on August 19.

The collections of customs during the first ten days exceeded $100,000. The collection of internal revenue was small, owing to the difficulty and delay in ascertaining what persons had or had not paid

their taxes for the current year. The administration of waterworks was put in charge of Lieutenant Connor, of the Engineers, on August 25. The provost court, with Lieutenant-Colonel Jewett, judge-advocate, United States Volunteers, sitting as judge, was appointed and held its first session on August 23.

The provost-marshal-general has charge of the police, fire, health, and street-cleaning departments and the issuing of licenses. The guardia civil, or gendarmerie, of the city proving indifferent and inefficient, they were disarmed and disbanded. The Thirteenth Minnesota Regiment was detailed for police duty, and one or more companies stationed in each police station, from which patrolmen were sent out on the streets to take the place of the sentries who had constantly patrolled them from the hour of entering the city.

The shops were all closed when we entered on Saturday afternoon, the 13th. On Monday morning some of them opened, and by Wednesday the banks had resumed business, the newspapers were published, the merchants were ready to declare goods at the custom-house, the tramcars were running, and the retail shops were all open and doing a large business. There was no disorder or pillage of any kind in the city. The conduct of the troops was simply admirable, and left no ground for criticism. It was noted and commented upon by the foreign naval officers in the most favorable terms, and it so surprised the Spanish soldiers that a considerable number of them applied for permission to enlist in our service.

At the time I left General McArthur had fully established his office as provost-marshal-general, and was organizing one by one the various bureaus connected with it, all with United States military officers in charge; the provost court was in daily session, sentencing gamblers and persons guilty of petty disturbances, and a military commission had just been ordered to try a Chinaman accused of burglary.

At the various public offices I collected the following Spanish funds:

At the general treasury	$795,517.71
At the mint	62,856.08
At the internal-revenue office	24,077.60
	882,451.39

Of this amount there was—

Gold coin	$4,200.00
Gold bars	3,806.08
Silver coin	190,634.81
Copper coin	297,300.00
Spanish bank notes	216,305.00
Accepted checks	170,205.50
	882,451.39

The money was counted by a board of officers and turned over to Maj. C. H. Whipple, paymaster, United States Army, as custodian of Spanish public funds. A few thousand dollars in other public offices were still to be collected.

The money received at the custom-house and other offices is turned in daily, at the close of business, to Major Whipple. Money for current expenses is furnished to heads of departments on their requisition, by warrant drawn by the intendente-general on the custodian of Spanish public funds. The heads of departments are to submit their vouchers and accounts monthly to an auditing department, which was being organized when I left.

All these public offices and funds were surrendered to me only on

threat of using force and on granting permission to file a formal protest. None of these had been received at the time I left, but the ground of verbal protest was that the officials recognized no authority in these islands but the Governor-General appointed by the King of Spain, and without his order they were unwilling to surrender them. On the other hand, I recognized no authority of the Spanish Governor-General, who was merely a prisoner of war; I acted under the orders of General Merritt, as the United States military governor, and in accordance with the terms of capitulation. The claim will probably be made by the Spanish officials that as we captured Manila a few hours after the peace protocol had been signed at Washington, this property still belongs to the Spaniards. But I believe that the law in such cases was clearly defined in decisions made by the United States Supreme Court in 1815. We captured Manila, and the capitulation (under which these funds became United States property) was signed by both parties before either had received notice of the protocol or suspension of hostilities.

On the opening of the custom-house several important questions arose for immediate decision. The first was in regard to Mexican dollars. The importation of these has for several years been prohibited, with a view to forcing the Spanish coinage (which contains less silver) into circulation. The large English banks represented that there was a scarcity of currency, owing to the amount which had been hoarded and sent away during the siege, and they agreed, in consideration of being allowed to import Mexican dollars free of duty, to guarantee the notes and accepted checks of the Spanish bank which should be received by us in payment of customs up to $200,000 at any one time. The Spanish bank was in difficulty, owing to the enormous amount which the Government had taken from it under the form of a forced loan, and any discrimination on our part against it would result in its failure, entailing widespread financial disturbance. As there seemed no reason against allowing the importation of Mexican dollars, and many in favor of it, I recommended that the custom house continue to receive the notes and checks of this bank in payment of customs (for which we were amply protected by the guaranty of the strong English banks), and, with General Merritt's approval, wrote to those banks authorizing them to import Mexican dollars free of duty until further notice.

The next question was in regard to the rate of duties on imports and exports.

After a careful examination of the matter I recommended that the tariff be not changed until the question had been fully studied and ample notice given. General Merritt approved this, and the customs are being collected on the Spanish tariff.

About a week after the custom-house was opened certain parties came to me representing that Consul-General Wildman, of Hongkong, had informed them that United States goods would be admitted free of duty in Manila; that acting on this they had purchased a cargo of American illuminating oil in Hongkong, and that the payment of the heavy duty on it ($30 per ton, or about 8 cents per gallon) would ruin them. On consulting Lieutenant-Colonel Crowder, judge-advocate of the Eighth Army Corps, he pointed out the language of paragraph 5 of General Merritt's proclamation, which followed literally the instructions of the President, viz:

> The port of Manila * * will be open while our military occupation may continue, to the commerce of all neutral nations *as well as our own*, in articles not contraband of war, *and upon payment of the prescribed rates of duty which may be in force at the time of the importation.*

Under this there was clearly no authority for discriminating in favor of American goods, either coming direct from a United States port or by transshipment at Hongkong.

The collector of customs was directed to act accordingly.

Another question was in regard to the importation of Chinamen into Manila. The consul at Hongkong telegraphed to know if they would be admitted. As there had been no time for examining the treaties and laws in force on this subject, I replied, with General Merritt's approval, that for the present it was not practicable to admit Chinese laborers into Manila.

Another very important question which arose was in regard to trade with the other Philippine Islands. Nearly all the hemp and the greater part of the sugar is grown in the Visayas. The hemp is bought by foreign merchants in Manila, who bring it there from the other islands and export it, paying large duties to the Manila custom-house. These merchants were anxious to bring up their stock, of which a large amount had accumulated during the war, and ship it abroad. The ships engaged in this island trade were idle in the Pasig. They belonged to a Spanish corporation owned entirely by Scotch capital, and had a Spanish register. The owners were ready to transfer them to the American flag. Could these vessels be allowed to clear for the ports of Cebu and Iloilo, which were in Spanish possession? The judge-advocate advised me that they could not without the express authority of the President. I so notified the owners of the ships and the hemp merchants.

The day before I left Manila, however, Admiral Dewey received a cable from the Navy Department, stating that Spanish ships had been granted the privilege of trading to American ports during the suspension of hostilities, and that American ships could be granted a similar privilege for Spanish ports. I understood that on the strength of this cable General Otis intended to allow the United States consul at Manila to grant these vessels an American register, and then allow them to clear for the other islands. I do not know what arrangement, if any, was made in regard to the payment of export duties at Iloilo. Clearly the hemp can not pay export duties at both Iloilo and Manila, and the Spaniards are not likely to allow it to leave Iloilo free while we collect an export duty on it at Manila. Incidentally this illustrates the complications and losses that will arise if the islands are subdivided. The principal merchants for all the islands are at Manila, and 80 per cent of the duties on imports and exports are collected at its custom-house. A large part of the imports are redistributed through the islands, and all the hemp and sugar, which form the principal exports, come to Manila from other islands. If, then, we retain Luzon, and give the other islands back to Spain, or some other nation, that nation will impose import and export duties on everything coming from or to Manila. The foreign trade of that city will be lost, and its prosperity will be destroyed; moreover, the Government revenue from that trade will be lost.

In view of the fact that Spanish officials declined to cooperate or assist in any way in the American government of Manila, the ease and rapidity with which order was maintained, the machinery of government put in operation, and business reestablished after our entry into Manila, is very remarkable. For every position in the Government service—legal, administrative, financial, mechanical, clerical—men could be found in our volunteer ranks who were experienced in just that class of work at home, and they took charge of their Spanish positions with promptness and confidence.

Even in the matter of language no serious difficulty was encountered, for no less than 30 good interpreters were found in the California and Colorado regiments.

The military government as now organized and administered fulfills all the requirements of preserving order and collecting the public revenue.

The civil courts, however, have yet to be organized, and their organization will present many difficulties.

PAPERS ACCOMPANYING GENERAL GREENE'S MEMORANDA.

APPENDIX A.

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A.

BRIEF NOTES BY SEÑOR AGONCILLO.

SEPTEMBER 15, 1898.

On the same day that Admiral Dewey arrived at Hongkong Señor Aguinaldo was in Singapore, whither he had gone from Hongkong, and Mr. Pratt, United States consul-general, under instructions from the said Admiral, held a conference with him, in which it was agreed that Señor Aguinaldo and other revolutionary chiefs, in cooperation with the American squadron, should return to take up arms against the Spanish government of the Philippines, the sole and most laudable desire of the Washington Government being to concede to the Philippine people absolute independence, as soon as the victory against the Spanish arms should be obtained. By virtue of this agreement Señor Aguinaldo proceeded by the first steamer to Hongkong for the express purpose of embarking on the *Olympia* and going to Manila; but this intention of his was not realized, because the American squadron left Hongkong the day previous to his arrival, Admiral Dewey having received from his Government an order to proceed immediately to Manila. This is what Mr. Wildman, United States consul-general in Hongkong, said to Señor Aguinaldo in the interview which took place between them.

A few days after the Spanish squadron had been totally destroyed in the Bay of Manila by the American squadron, the latter obtaining a most glorious triumph, which deserved the fullest congratulations and praise of the Philippine public, the *McCulloch* arrived at Hongkong, and her commander said to Señor Aguinaldo that Admiral Dewey needed him (le necesitaba) in Manila and that he brought an order to take him on board said transport, as well as other revolutionary chiefs, whose number should be determined by Señor Aguinaldo; and in fact he and seventeen chiefs went to Cavite on the *McCulloch*.

Señor Aguinaldo began his campaign against the Spaniards the very day he received the 1,902 Mauser guns and 200,000 cartridges which came from Hongkong.

The first victory which he obtained from the Spaniards was the surrender or capitulation of the Spanish general Señor Peña, who was the military governor of Cavite, had his headquarters in the town of San Francisco de Malabon, and his force was composed of 1,500 soldiers, including volunteers.

The revolutionary army, in six days' operations, succeeded in getting possession of the Spanish detachments stationed in the villages of Bacoor, Imus, Benakayan, Noveleta, Santa Cruz de Malabon, Rosario, and Cavite Viejo.

On the 9th of June last the whole Province of Cavite was under the control of the provisional revolutionary government, including many Spanish prisoners and friars, 7,000 guns, great quantities of ammunition, and some cannon.

At the same time that the Province of Cavite was being conquered, other revolutionary chiefs were carrying on campaigns in the Batangas, Laguna, Tayabas, Nueva

Ecija, Bulacan, Batangas Pampanga, and Morong, which were under control of the revolutionary army by the 12th of June; and such progress was made by the Philippine revolution in the few days of campaign against the Spaniards that by the 3d of August last it held under conquest fifteen important provinces of the island of Luzon. These provinces are being governed by laws emanating from the provisional revolutionary government, and in all of them perfect order and complete tranquility reign.

It is to be noted that the Spanish Government has sent to Señor Aguinaldo various emissaries, who invited him to make common cause with Spain against the United States, promising him that the Government of the Spanish nation would concede to him anything he might ask for the Philippine people. But Señor Aguinaldo has invariably replied to those emissaries that it was too late, and that he could not consider any proposition from the Spanish Government, however beneficial it might be to the Philippines, because he had already pledged his word of honor in favor of certain representatives of the Government at Washington.

In view of this positive resolution of Señor Aguinaldo there began forthwith the intrigues of the Spanish enemy, directed against the life of Señor Aguinaldo.

PEACE CONVENTION (DECEMBER, 1897).

Señor Aguinaldo, in his own name and in that of the other chiefs and subordinates, obligated himself to lay down their arms, which, according to an inventory, were to be turned over to the Spanish Government, thus terminating the revolution. His excellency the Governor and Captain-General, Don Fernando Primo de Rivera, as the representative of His Majesty's Government in the Philippines, obligated himself, on his side: (1) to grant a general amnesty to all those under charges or sentenced for the crime of rebellion and sedition and other crimes of that category; (2) to introduce into the Philippines all reforms necessary for correcting in an effective and absolute manner the evils which for so many years had oppressed the country in political and administrative affairs; and (3) an indemnity of $800,000, payable at the following dates: A letter of credit of the Spanish Filipine Bank for $400,000 against the Hongkong and Shanghai Bank, in Hongkong, was to be delivered to Señor Aguinaldo on the same day that he should leave Biak-va-Bato, where he had established his headquarters, and should embark on the steamer furnished by the Spanish Government. This letter of credit was, in point of fact, delivered; $200,000 was to be paid to the said Señor Aguinaldo as soon as the revolutionary general, Señor Ricarte, should receive his telegram ordering him to give up his arms, with an inventory thereof, to the commissioner designated by his excellency the Governor and Captain-General, Don Fernando Primo de Rivera; and the remaining $200,000 should be due and payable when the peace should be a fact, and it should be understood that peace was a fact when the Te Deum should be sung by order of his excellency the Governor and Captain-General of the Philippines.

Señor Aguinaldo complied in every respect, so far as he was concerned, with the peace agreement. But the Spanish Government did not observe a similar conduct, and this has been deplored and still is deeply deplored by the Philippine people.

The general amnesty which was promised has remained completely a dead letter. Many Philippinos are still to be found in Fernando Po and in various military prisons in Spain suffering the grievous consequences of the punishment inflicted upon them unjustly and the inclemencies of the climate to which they are not accustomed. Some of these unfortunates who succeeded in getting out of those prisons and that exile are living in beggary in Spain without the Government furnishing them the necessary means to enable them to return to the Philippines.

In vain has the Philippine public waited for the reforms also promised. After the celebration of the compact of June and the disposition of the arms of the revolutionists, the Governor-General began again to inflict on the defenseless natives of the country arbitrary arrest and execution without judicial proceedings solely on the ground that they were merely suspected of being secessionists; proceedings which indisputably do not conform to the law and Christian sentiments.

In the matter of reforms, the religious orders again began to obtain from the Spanish Government their former and absolute power.

Thus Spain pays so dearly for her fatal errors in her own destiny.

In exchange for the loftiness of mind with which Señor Aguinaldo has rigidly carried out the terms of the peace agreement, General Primo de Rivera had the cynicism to state in the Congress of his nation that he had promised no reform to Señor Aguinaldo and his army, but that he had only given them a piece of bread in order that they might be able to maintain themselves abroad. This was reechoed in the foreign press, and Señor Aguinaldo was accused of having allowed himself to be bought with a handful of gold, selling out his country at the same time. There were published moreover in those Spanish periodicals caricatures of Señor Aguinaldo, which profoundly wounded his honor and his patriotism.

Señor Aguinaldo and the other revolutionists who reside in Hongkong agreed not to take out one cent of the $400,000 deposited in the Chartered Bank and the Hongkong and Shanghai Bank, the only amount which Señor Aguinaldo received from the Spanish Government on account of the stipulated indemnity, but to use it for arms in order to carry on another revolution in the Philippines in case the Spanish Government should fail to carry out the peace agreement, at least in so far as it refers to general amnesty and reforms. All the above-named revolutionists, Señor Aguinaldo setting the example, resolved to deny themselves every kind of comfort during their stay in Hongkong, living in the most modest style, for the purpose of preventing a reduction by one single cent of the above-named sum of $400,000 which they set aside exclusively for the benefit of their country.

LAWSUIT BETWEEN DON J. ARTACHO AND DON E. AGUINALDO.

Señor Artacho, induced by the father solicitor of the Dominicans and the consul-general of Spain, filed in the courts of that colony a summons against Don E. Aguinaldo, asking for a division of the above-mentioned $400,000 between those revolutionary chiefs who resided in Hongkong; Artacho and three others who joined the revolution in its last days and rendered little service to it were the only ones who desired a division of this money, whereas forty-seven revolutionaries, many of whom were most distinguished chiefs, were opposed to it, supporting the resolution which Señor Aguinaldo had previously taken in regard to it. Señor Aguinaldo, in order to avoid all scandal, did everything possible to avoid appearing in court answering the summons of Artacho, who, realizing that by his conduct he had made himself hated by all Filipinos, agreed in a friendly arrangement to withdraw his suit, receiving in exchange $5,000. In this way were frustrated the intrigues of the solicitor of the Dominican order and of the Spanish consul, who endeavored at any cost to destroy the $400,000 by dividing it up.

Artacho is now on trial before a judicial court on charges preferred by various revolutionists for offenses which can be proved; he has no influence in the revolutionary party.

PROCLAMATION OF GENERAL AGUINALDO, MAY 24, 1898.

FILIPINOS: The great nation North America, cradle of true liberty, and friendly on that account to the liberty of our people, oppressed and subjugated by the tyranny and despotism of those who have governed us, has come to manifest even here a protection which is decisive as well as disinterested toward us, considering us endowed with sufficient civilization to govern by ourselves this our unhappy land. To maintain this so lofty idea, which we deserve from the now very powerful nation North America, it is our duty to detest all those acts which belie such an idea as pillage, robbery, and every class of injury to persons as well as to things. With a view to avoiding international conflicts during the period of our campaign, I order as follows:

ARTICLE I. The lives and property of all foreigners, including Chinese and all Spaniards, who either directly or indirectly have joined in taking arms against us, are to be respected.

ART. II. The lives and property of those who lay down their arms are also to be respected.

ART. III. Also are to be respected all sanitary establishments and ambulances, and likewise the persons and things which may be found in either one or the other, including the assistants in this service, unless they show hostility.

ART. IV. Those who disobey what is prescribed in the preceding articles will be tried by summary court and put to death, if such disobedience shall cause assassination, fire, robbery, and violation.

Given at Cavite the 24th of May, 1898.

EMILIO AGUINALDO.

APPENDIX—Continued.

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B.

AGUINALDO'S PROCLAMATION OF JUNE 18, 1898, ESTABLISHING THE DICTATORIAL GOVERNMENT.

No. 1.

To the Philippine Public:

Circumstances have providentially placed me in a position for which I can not fail to recognize that I am not properly qualified; but since I can not violate the laws of Providence nor decline the obligations which honor and patriotism impose upon me, I now salute you, Oh my Beloved People.

I have proclaimed in the face of the whole world that the aspiration of my whole life, the final object of all my efforts and strength, is nothing else but your independence, for I am firmly convinced that that constitutes your constant desire, and that independence signifies for us redemption from slavery and tyranny, regaining our liberty, and entrance into the concert of civilized nations.

I understand, on the other hand, that the first duty of every government is to interpret faithfully popular aspirations; with this motive, although the abnormal circumstances of the war have compelled me to institute this dictatorial government which assumes full powers, both civil and military, my constant desire is to surround myself with the most distinguished persons of each province, those that by their conduct deserve the confidence of their province, to the end that, the true necessities of each being known by them, measures may be adopted to meet those necessities and apply the remedies in accordance with the desires of all.

I understand, moreover, the urgent necessity of establishing in each town a solid and robust organization, the strongest bulwark of public security and the sole means of securing that union and discipline which are indispensable for the establishment of the Republic, that is, government of the people for the people, and warding off the international conflicts which may arise.

Following out the foregoing considerations, I decree as follows:

ARTICLE I. The inhabitants of every town where the forces of the Spanish Government still remain will decide upon the most efficacious measures to combat and destroy them, according to the resources and means at their disposal, according to prisoners of war the treatment most conformable to humanitarian sentiments and to the customs observed by civilized nations.

ART. II. As soon as the town is freed from Spanish domination the inhabitants most distinguished for high character, social position, and honorable conduct, both in the center of the community and in the suburbs, will come together in a large meeting, in which they will proceed to elect by a majority of votes the chief of the town and a headman for each suburb, considering as suburbs not only those hitherto known as such, but also the center of the community.

All those inhabitants who fulfill the conditions above named will have the right to take part in this meeting and to be elected, provided always that they are friendly to the Philippine independence and are 20 years of age.

ART. III. In this meeting shall also be elected by a majority of votes three delegates, one of police and internal order, another of justice and civil registry, and another of taxes and property.

The delegate of justice and civil registry will aid the chief in the formation of courts and in keeping of books of registry of births, deaths, and marriage contracts and of the census.

The delegate of taxes and property will aid the chief in the collection of taxes and administration of public funds, the opening of books of registry of cattle and real property, and in all work relating to encouragement of every class of industry.

ART. IV. The chief, as president, with the headman and the above-mentioned delegates will constitute the popular assemblies, who will supervise the exact fulfillment of the laws in force and the particular interests of each town.

The head man of the center of the community will be the vice-president of the assembly and the delegate of justice its secretary.

The head men will be delegates of the chief within their respective boundaries.

ART. V. The chiefs of each town after consulting the opinion of their respective assemblies will meet and elect by majority of votes the chief of the province and three councilors for the three branches above-mentioned.

The chief of the province as president, the chief of the town which is the capital of the province as vice-president, and the above-named councilors will constitute the provincial council, which will supervise the carrying out of the instructions of this government in the territory of the province and for the general interest of the province, and will propose for this government the measures which should be adopted for the general welfare.

ART. VI. The above-named chiefs will also elect by a majority of votes three representatives for each one of the provinces of Manila and Cavite, two for each one of

the provinces classified as terminal in Spanish Legislation, and one for each one of the other provinces and politico-military commands of the Philippine Archipelago.

The above-named representatives will guard the general interests of the archipelago and the particular interests of their respective provinces, and will constitute the revolutionary congress which will propose to this Government the measures concerning the preservation of internal order and external security of these Islands, and will be heard by this Government on all questions of grave importance, the decision of which will admit of delay or adjournment.

ART. VII. Persons elected to any office whatsoever in the form prescribed in the preceding article can not perform the same without the previous confirmation by this Government, which will give it in accordance with the certificates of election

Representatives will establish their identity by exhibiting the above-named certificates.

ART. VIII. The military chiefs named by this Government in each province will not intervene in the government and administration of the province, but will confine themselves to requesting of the chiefs of provinces and of the towns the aid which may be necessary, both in men and resources, which are not to be refused in case of actual necessity.

Nevertheless, when the province is threatened or occupied by the enemy, in whole or in part, the military chief of highest rank therein may assume the powers of the chief of the province until the danger has disappeared.

ART. IX. The government will name for each province a commissioner specially charged with establishing therein the organization prescribed in this decree in accordance with instructions which this government will communicate to him. Those military chiefs who liberate the towns from the Spanish domination are commissioners by virtue of their office.

The above-named commissioners will preside over the first meetings held in each town and in each province.

ART. X. As soon as the organization provided in the decree has been established all previous appointments to any civil office whatsoever, no matter what their origin or source, shall be null and void, and all instructions in conflict with the foregoing are hereby annulled.

Given at Cavite the 18th day of June, 1898.

EMILIO AGUINALDO.

C.

No. 2.

For the execution and proper carrying out of what is prescribed in the decree of this government concerning the management of the provinces and towns of the Philippine Archipelago I decree as follows:

INSTRUCTIONS

concerning the management of the provinces and towns.

(Then follow 45 rules concerning the elections, formation of the police, the courts, and the laying and collection of taxes.)

Given at Cavite the 20th of June, 1898.

EMILIO AGUINALDO.

D.

AGUINALDO'S PROCLAMATION OF JUNE 23, ESTABLISHING THE REVOLUTIONARY GOVERNMENT.

No. 3.

Don Emilio Aguinaldo y Famy, president of the revolutionary government of the Philippines and general in chief of its army.

This Government desiring to demonstrate to the Philippine people that one of its ends is to combat with a firm hand the inveterate vices of the Spanish administration, substituting for personal luxury and that pompous ostentation which have made it a mere matter of routine, cumbrous and slow in its movements, another adminis-

tration more modest, simple, and prompt in performing the public service, I decree as follows:

CHAPTER I.—*Of the revolutionary government.*

ARTICLE I. The dictatorial government will be entitled hereafter the revolutionary government, whose object is to struggle for the independence of the Philippines until all nations, including the Spanish, shall expressly recognize it, and to prepare the country so that a true republic may be established.

The dictator will be entitled hereafter president of the revolutionary government.

ART. II. Four secretaryships of government are created—one of foreign affairs, navy, and commerce; another of war and public works; another of police and internal order, justice, education, and hygiene; and another of finance, agriculture, and manufacturing industry.

The government may increase this number of secretaryships when it shall find in practice that this distribution is not sufficient for the multiplied and complicated necessities of the public service.

ART. III. Each secretaryship shall aid the president in the administration of questions concerning the different branches which it comprises.

At the head of each one shall be a secretary, who shall not be responsible for the decrees of the presidency, but shall sign them with the president to give them authority.

But if it shall appear that the decree has been promulgated on the proposition of the secretary of the department the latter shall be responsible conjointly with the president.

ART. IV. The secretaryship of foreign affairs will be divided into three bureaus—one of diplomacy, another of navy, and another of commerce.

The first bureau will study and dispose of all questions pertaining to management of diplomatic negotiations with other powers and the correspondence of the government with them; the second will study all questions relating to the formation and organization of our navy, and the fitting out of such expeditions as the necessities of the revolution may require; and the third will have charge of everything relating to the internal and external commerce, and the preliminary work which may be necessary for making treaties of commerce with other nations.

ART. V. The secretaryship of war will be divided into two bureaus; one of war, properly speaking, and the other of public works.

The first bureau will be subdivided into four sections—one of campaigns, another of military justice, another of military administration, and another of military health.

The section of campaigns will have charge of the appointment and formation of the certificates of enlistment and service of all who serve in the revolutionary militia; of the direction of campaigns; the preparation of plans, works of fortification, and preparing reports of battles; of the study of military tactics for the army and the organization of the general staff, artillery, and cavalry; and, finally, of the determination of all the other questions concerning the business of campaigns and military operations.

The section of military justice will have charge of everything relating to courts of war and military tribunals, the appointment of judges and counsel, and the determination of all questions of military justice. The section of military administration will be charged with the furnishing of food and other supplies necessary for the use of the army, and the section of military health will have charge of everything relating to the hygiene and healthfulness of the militia.

ART. VI. The other secretaryships will be divided into such bureaus as their branches may require, and each bureau will be subdivided into sections according to the nature and importance of the work it has to do.

ART. VII. The secretary will inspect and supervise all the work of his secretaryship and will determine all questions with the president of the government.

At the head of each bureau will be a director, and in each section an officer provided with such number of assistants and clerks as may be specified.

ART. VIII. The president will appoint the secretaries of his own free choice, and in concert with them will appoint all the subordinate officials of each secretaryship.

In order that in the choice of persons it may be possible to avoid favoritism it must be fully understood that the good name of the country and the triumph of the revolution require the services of persons truly capable.

ART. IX. The secretaries may be present at the revolutionary congress, in order that they may make any motion in the name of the president or may be interpolated publicly by any one of the representatives; but when the question which is the object of the motion shall be put to vote, or after the interpolation is ended, they shall leave and shall not take part in the vote.

ART. X. The president of the government is the personification of the Philippine people and in accordance with this idea it shall not be possible to hold him responsible while he fills the office.

His term of office shall last until the revolution triumphs, unless under extraordinary circumstances he shall feel obliged to offer his resignation to congress, in which case congress will elect whomsoever it considers most fit.

CHAPTER II.—*Of the revolutionary congress.*

ART. XI. The revolutionary congress is the body of representatives of the provinces of the Philippine Archipelago elected in the manner prescribed in the decrees of the 18th of the present month.

Nevertheless, if any province shall not be able as yet to elect representatives because the greater part of its towns shall have not yet been able to liberate themselves from Spanish domination, the government shall have power to appoint as provisional representatives for this province those persons who are most distinguished for high character and social position in such numbers as are prescribed by the above-named decree, provided always that they are natives of the province which they represent or have resided therein for a long time.

ART. XII. The representatives having met at the town which is the seat of the revolutionary government, and in the building which may be designated, will proceed to its preliminary labors, designating by plurality of votes a commission composed of five individuals charged with examining documents accrediting each representative, and another commission composed of three individuals who will examine the documents which the five of the former commission exhibit.

ART. XIII. On the following day the above-named representatives will meet again, and the two commissions will read their respective reports concerning the legality of the said documents, deciding by an absolute majority of votes on the character of those which appear doubtful.

This business completed, it will proceed to designate, also by absolute majority, a president, a vice-president, and two secretaries, who shall be chosen from among the representatives, whereupon the congress shall be considered organized and shall notify the government of the result of the election.

ART. XIV. The place where congress deliberates is sacred and inviolable, and no armed force shall enter therein unless the president thereof shall ask therefor in order to establish internal order disturbed by those who can neither honor themselves nor its august functions.

ART. XV. The powers of congress are: To watch over the general interest of the Philippine people and the carrying out of the revolutionary laws; to discuss and vote upon said laws; to discuss and approve prior to their ratification treaties and loans; to examine and approve the accounts presented annually by the secretary of finance as well as extraordinary and other taxes which may hereafter be imposed.

ART. XVI. Congress shall also be consulted in all grave and important questions the determination of which admit of delay or adjournment; but the president of the government shall have power to decide questions of urgent character, but in that case he shall give account by message to said body of the decision which he has adopted.

ART. XVII. Every representative shall have power to present to congress any project of a law, and every secretary on the order of the president of the government shall have similar power.

ART. XVIII. The sessions of congress shall be public, and only in cases which require reserve shall it have power to hold a secret session.

ART. XIX. In the order of its deliberations as well as in the internal government of the body the instructions which shall be formulated by the congress itself shall be observed.

The president shall direct the deliberations and shall not vote except in case of a tie, when he shall have the casting vote.

ART. XX. The president of the government shall not have power to interrupt in any manner the meetings of congress nor embarrass its sessions.

ART. XXI. The congress shall designate a permanent commission of justice, which shall be presided over by the auxiliary vice-president or each of the secretaries, and shall be composed of those persons and seven members elected by plurality of votes from among the representatives. This commission shall judge on appeal the criminal cases tried by the provincial courts, and shall take cognizance of and have original jurisdiction in all cases against the secretaries of the government, the chiefs of provinces and towns, and the provincial judges.

ART. XXII. In the office of the secretary of congress shall be kept a book of honor, wherein shall be recorded special services rendered the country and considered as such by said body. Every Filipino, whether in the military or civil service, may petition congress for notation in said book, presenting duly accredited documents describing the service rendered by him on behalf of the country since the beginning of the present revolution. For extraordinary services which may be rendered hereafter the government will propose said notation, accompanying the proposal with the necessary documents justifying it.

ART. XXIII. The congress will also grant on the proposal of the government rewards in money, which can be given only once, to the families of those who were victims of their duty and patriotism as a result of extraordinary acts of heroism.

ART. XXIV. The acts of congress shall not take effect until the president of the government orders their fulfillment and execution. Whenever the said president shall be of the opinion that any act is unsuitable or against public policy or pernicious, he shall explain to congress the reasons against its execution, and if the latter shall insist on its passage the president shall have power to oppose his veto under his most rigid responsibility.

CHAPTER III.—*Of military courts and justice.*

ART. XXV. When the chiefs of military detachments have notice that any soldier has committed or has perpetrated any act of those commonly considered as military crimes, he shall bring it to the knowledge of the commandant of the Zone, who shall appoint a judge and a secretary who shall begin suit in the form prescribed in the instructions dated the 20th of the present month. If the accused shall be of the grade of lieutenant or higher, the said commandant shall himself be the judge, and if the latter shall be the accused the senior commandant of the Province shall name as judge an officer who holds a higher grade, unless the same senior commandant shall himself have brought the suit. The judge shall always belong to the class of chiefs.

ART. XXVI. On the conclusion of the preliminary hearing the senior commandant shall designate three officers of equal or higher rank to the judge, and the military court shall consist of the said officers, the judge, the councilor, and the president. The latter shall be the commandant of the zone if the accused be of the grade of lieutenant or higher. This court shall conduct the trial in the form customary in the provincial courts, but the judgment shall be appealable to the higher courts of war.

ART. XXVII. The superior court shall be composed of six members, who shall hold rank not less than brigadier-generals, and the judge-advocate. If the number of generals present in the capital of the revolutionary government shall not be sufficient, the deficiency shall be supplied by representatives designated and commissioned by congress. The president of the court shall be the general having the highest rank of all, and should there be more than one having equal rank the president shall be elected from among them by absolute majority of votes.

ART. XXVIII. The superior court shall have jurisdiction in all cases affecting the higher commandants, the commandants of zones and all officers of the rank of major and higher.

ART. XXIX. Commit military crimes: First, those who fail to grant the necessary protection to foreigners, both in their persons and property, and those who similarly fail to afford protection to hospitals and ambulances, including persons and effects which may be found in possession of one or the other, and those engaged in the service of the same, provided always they commit no hostile act; second, those who fail in the respect due to the lives, money, and jewels of enemies who lay down their arms, and of prisoners of war; third, Filipinos who place themselves in the service of the enemy, acting as spies or disclosing to them secrets of war and the plans of the revolutionary positions and fortifications, and those who present themselves under a flag of truce without justifying properly their office and their personality; and fourth, those who fail to recognize a flag of truce duly accredited in the form prescribed by international law.

Will commit also military crimes: Those who conspire against the unity of the revolutionists, provoking rivalry between chiefs, and forming divisions and armed bands; second, those who solicit contributions without authority of the government and misappropriate the public funds; third, those who desert to the enemy, or are guilty of cowardice in the presence of the enemy, being armed; and fourth, those who seize the property of any person who has done no harm to the revolution, violate women, and assassinate or inflict serious wounds on unarmed persons, and who commit robberies and arson.

ART. XXX. Those who commit the crimes enumerated will be considered as declared enemies of the revolution, and will incur the penalties prescribed in the Spanish Penal Code, and in the highest grade.

If the crime shall not be found in the said code, the offender shall be imprisoned until the revolution triumphs, unless the result of this shall be an irreparable damage which, in the judgment of the tribunal, shall be a sufficient cause for imposing the penalty of death.

ADDITIONAL CLAUSES.

The government will establish abroad a revolutionary committee composed of a number, not yet determined, of persons most competent in the Philippine Archipelago. This committee will be divided into three delegations: One of diplomacy, another of the navy, and another of the army.

The delegation of diplomacy will arrange and conduct negotiations with foreign cabinets with a view to the recognition of the belligerency and independence of the Philippines.

The delegation of the navy will be charged with the studying and organizing of the Philippine navy and preparing the expenditures which the necessities of the revolution may require.

The delegation of the army will study military tactics and the best form of organization for the general staff, artillery, and engineers, and whatever else may be necessary in order to fit out the Philippine army under the conditions required by modern progress.

ART. XXXII. The government will issue the necessary instructions for the proper execution of the present decree.

ART. XXXIII. All the decrees of the dictatorial government in conflict with the foregoing are hereby annulled.

Given at Cavite the 23d of June, 1898.

EMILIO AGUINALDO.

E.

INSTRUCTIONS.

Desiring to bring about a proper execution of the decree dated the 23d of the present month, and to provide that the administrative measures shall not result hereafter in the paralysis of public business, but that on the contrary it shall constitute the best guaranty of the regularity, promptitude, and fitness in the transaction of public business, I give the following instructions and decree:

(Then follow ten rules concerning the details of installing the government.)

Cavite, the 27th of June, 1898.

EMILIO AGUINALDO.

F.

MESSAGE OF THE PRESIDENT OF THE PHILIPPINE REVOLUTION.

If it is true, as it is true, that political revolutions properly understood are the violent means which people employ to recover the sovereignty which naturally belongs to them, usurped and trampled upon by a tyrannical and arbitrary government, no revolution can be more righteous than that of the Philippines, because the people have had recourse to it after having exhausted all the pacific means which reason and experience could suggest.

The ancient kings of Castile felt obliged to consider the Philippines as a brother people, united to the Spanish in a perfect participation of aims and interests, so much so that when the constitution of 1812 was promulgated at Cadiz, on account of the war of Spanish independence, these islands were represented in the Spanish Cortes; but the interests of the monastic corporations, which have always found unconditional support in the Spanish Government, overcame this sacred duty and the Philippines remained excluded from the Spanish constitution and the people at the mercy of the discretionary or arbitrary powers of the Governor-General.

In this condition the people claimed justice, begged of the metropolis the recognition and restitution of their secular rights by means of reforms which should assimilate in a gradual and progressive manner the Philippines to the Spaniards; but their voice was quickly throttled and their sons received as the reward of their self-denial deportation, martyrdom, and death. The religious corporations with whose interests, always opposed to those of the Philippine people, the Spanish Government has been identified, scoffed at those pretensions and answered with the knowledge of that Government that Spanish liberties had cost blood.

What other recourse then remained to the people for insisting as in duty bound on regaining its former rights? No alternative remained except force, and convinced of that it has had recourse and revolution.

And now it is not limited to asking assimilation to the Spanish political constitution, but it asks a definite separation from it. It struggles for its independence in the firm belief that the time has arrived in which it can and ought to govern itself.

There has been established a revolutionary government under wise and just laws, suited to the abnormal circumstances through which it is passing, and which in proper time will prepare it for a true republic. Thus taking as a sole model for its

acts reason, for its sole end justice, and for its sole means honorable labor, it calls all Filipinos its sons without distinction of class and invites them to unite firmly, with the object of forming a noble society, not based upon blood nor pompous titles, but upon the work and personal merit of each one; a free society, where exists neither egotism nor personal politics, which annihilate and crush; neither envy nor favoritism, which debase; neither fanfaronade nor charlatanism, which are ridiculous.

And it could not be otherwise. A people which has given proofs of suffering and valor in tribulation and in danger and of hard work and study in peace is not destined to slavery; this people is called to be great, to be one of the strongest arms of Providence in ruling the destinies of mankind. This people has resources and energy sufficient to liberate itself from the ruin and extinction into which the Spanish Government has plunged it, and to claim a modest but worthy place in the concert of free nations.

Given at Cavite the 23d of June, 1898.

EMILIO AGUINALDO.

G.

To Foreign Governments:

The revolutionary government of the Philippines on its establishment explained through the message dated the 23d of June last the true causes of the Philippine revolution, showing according to the evidence that this popular movement is the result of the laws which regulate the life of a people which aspire to progress and to perfection by the sole road of liberty.

The said revolution now rules in the provinces of Cavite, Batangas, Mindoro, Tayabas, Laguna, Morong, Bulacan, Bataan, Pampanga, Nueva-Ecija, Tarlac, Pangasinan, Union, Infanta, and Zambales, and it holds besieged the capital of Manila.

In these provinces complete order and perfect tranquillity reign, administered by the authorities elected by the provinces in accordance with the organic decrees dated 18th and 23d of June last.

The revolution holds moreover about 9,000 prisoners of war, who are treated in accordance with the customs of war between civilized nations and humane sentiments, and at the end of the war it has more than 30,000 combatants organized in the form of a regular army.

In this situation the chiefs of the towns, comprised in the above-mentioned provinces, interpreting the sentiments which animate those who have elected them, have proclaimed the independence of the Philippines, petitioning the revolutionary government that it will entreat and obtain from foreign governments recognition of its belligerency and its independence in the firm belief that the Philippine people have already arrived at that state in which they can and ought to govern themselves.

This is set forth in the accompanying documents subscribed by the above-named chiefs.

Wherefore the undersigned, by virtue of the powers which belong to him as president of the revolutionary government of the Philippines and in the name and representation of the Philippine people, asks the support of all the powers of the civilized world and earnestly entreats them to proceed to the formal recognition of the belligerency of the revolution and the independence of the Philippines, since they are the means designated by Providence to maintain the equilibrium between peoples, sustaining the weak and restraining the strong, to the end that by these means shall shine forth and be realized the most complete justice in the indefinite progress of humanity.

Given at Bacoor, in the Province of Cavite, the 6th day of August, 1898.

The president of the revolutionary government.

EMILIO AGUINALDO.

H.

STATEMENT.

The undersigned chiefs of towns comprising the provinces hereinafter named, elected as such in the manner prescribed by the decree of the 18th and the instructions dated the 20th of June last, after having been confirmed in their respective offices by the president of the government and having taken the prescribed oath before him, have met in full assembly previously called for that purpose, for the purpose of discussing the solemn proclamation of Philippine independence.

The discussion took place with the prudence and at the length which so important a question demands, and after suitable deliberation the following declarations were unanimously adopted:

The Philippine revolution records, on the one hand, brilliant feats of arms realized with singular courage by an improvised army almost without arms, and, on the other, the no less notable fact that the people after the combat have not entered upon great excesses nor pursued the enemy further, but have treated him on the contrary with generosity and humanity, returning at once to their ordinary and tranquil life.

Such deeds demonstrate in an indisputable manner that the Philippine people was not created, as all believed, for the sole purpose of dragging the chains of servitude, but that it has a perfect idea of order and justice, shuns a savage life, and loves a civilized life.

But what is most surprising in this people is that it goes on giving proofs that it knows how to frame laws commensurate with the progress of the age, to respect them and obey them, demonstrating that its national customs are not repugnant to this progress; that it is not ambitious for power, nor honors, nor riches, aside from the rational and just aspirations for a free and independent life and inspired by the most lofty idea of patriotism and national honor; and that in the service of this idea and for the realization of that aspiration it has not hesitated in the sacrifice of life and fortune.

These admirable—and more than admirable, these wonderful—deeds necessarily engender the most firm and ineradicable convictions of the necessity of leaving the Philippines free and independent, not only because they desire it, but because they are prepared to defend to the death their future and their history.

Filipinos are fully convinced that if individuals have need of material, moral, and intellectual perfection in order to contribute to the welfare of their fellows, peoples require to have fullness of life; they need liberty and independence in order to contribute to the indefinite progress of mankind. It has struggled and will struggle with decision and constance, without ever turning back or retrograding before the obstacles which may arise in its path, and with unshakable faith that it will obtain justice and fulfill the laws of Providence.

And neither will it be turned aside from the course it has hitherto followed by the unjustifiable imprisonment, tortures, assassinations, and the other vandal acts committed by the Spaniards against the persons of peaceful and defenseless Filipinos. The Spaniards believe themselves released from every legal obligation toward the Filipinos for the sole reason that the belligerency of the revolution has not been recognized, taking no account of the fact that over and above every law, whether written or prescriptive, are placed with imprescriptible characters culture, national honor, and humanity. No, the Filipinos have no need ever to make use of reprisals, because they seek independence with culture, liberty with unconditional respect for the law as the organ of justice, and a name purified in the crucible of human sentiments.

In virtue of the foregoing considerations the undersigned, giving voice to the unanimous aspiration of the people whom they represent and performing the offices received from them and the duties pertaining to the powers with which they are invested—

Proclaim solemnly, in the face of the whole world, the independence of the Philippines;

Recognize and respect Señor Don Emilio Aguinaldo y Famy as president of the revolutionary government organized in the manner prescribed by decree of the 23d and instructions of the 27th of June last, and beg the said president that he will ask and obtain from foreign governments the recognition of its belligerency and independence, not only because this act constitutes a duty of justice, but also because to no one is it permitted to contravene natural laws nor stifle the legitimate aspiration of a people for its amelioration and dignification.

Given in the Province of Cavite the 1st day of August of the year of our Lord 1898, and the first year of Philippine independence.

Follow the signatures of the local presidents of the provinces, of Cavite and many others.

* * * * * * * *

The undersigned, secretary of the interior, certifies: That the present document is a literal copy of the original, which is deposited in the secretaryship under his charge, in proof of which he signs it with the approval of the president of the revolutionary government in Bacoor the 6th day of August, 1898.

V. B.

El Presidente del G. R.

EMILIO AGUINALDO.

El Secretario del Interior,

LEANDRO IBARRA.

J.

LETTER FROM SENOR AGUINALDO TO GENERAL ANDERSON.

JULY 23, 1898.

Brig. Gen. T. M. ANDERSON, U. S. A. etc.,

Cavite:

In answer to the letter of your excellency dated the 22d of the present month, I have the honor to manifest to you the following:

That even supposing that the effects existing in the storehouse of Don Antonio Osorio were subject to capture, when I established myself in the plaza (town) of Cavite Admiral Dewey authorized me to dispose of everything that I might find in the same, including the arms which the Spanish left in the arsenal. But as he was aware that said effects belonged to the personal property [ownership] of a Filipino, who traded with them by virtue of a contribution to the Spanish Government, I would not have touched them had not the owner placed them at my disposition for the purposes of the war.

I came from Hongkong to prevent my countrymen from making common cause with the Spanish against the North Americans, pledging before my word to Admiral Dewey to not give place to [to allow] any internal discord, because [being] a judge of their desires I had the strong conviction that I would succeed in both objects, establishing a government according to their desires.

Thus it is that at the beginning I proclaimed the dictatorship, and afterwards, when some of the provinces had already liberated themselves from Spanish domination, I established a revolutionary government that to-day exists, giving it a democratic and popular character as far as the abnormal circumstances of war permitted, in order that they (the provinces) might be justly represented and administered to their satisfaction.

It is true that my government has not been acknowledged by any of the foreign powers; but we expect that the great North American nation, which struggled first for its independence and afterwards for the abolition of slavery, and is now actually struggling for the independence of Cuba, would look upon it with greater benevolence than any other nation. Because of this we have always acknowledged the right of preference to our gratitude.

Debtor to the generosity of the North Americans and to the favors which we have received through Admiral Dewey, and being more desirous than any other of preventing any conflict which would have as a result foreign intervention, which must be extremely prejudicial not alone to my nation, but also to that of your excellency, I consider it my duty to advise you of the undesirability of disembarking North American troops in the places conquered by the Filipinos from the Spanish, without previous notice to this government, because, as no formal agreement yet exists between the two nations, the Philippine people might consider the occupation of its territories by North American troops as a violation of its rights.

I comprehend that without the destruction of the Spanish squadron the Philippine revolution would not have advanced so rapidly. Because of this I take the liberty of indicating to your excellency the necessity that before disembarking troops you should communicate in writing to this government the places that are to be occupied and also the object of the occupation, that the people may be advised in due form, and (thus) prevent the commission of any transgressions against friendship. I can answer for my people, because they have given me evident proofs of their absolute confidence in my government, but I can not answer for that which another nation, whose friendship is not well guaranteed, might inspire in it (the people); and it is certain that I do this not as a menace, but as a further proof of the true and sincere friendship which I have always professed to the North American people in the complete security that it will find itself completely identified with our cause of liberty.

I am, with respect, your obedient servant,

EMILIO AGUINALDO.

STATEMENT OF MR. JOHN FOREMAN, OCTOBER 8, 1898, BEFORE THE UNITED STATES PEACE COMMISSION AT PARIS.

Examination by the CHAIRMAN:

Q. Where do you live?—A. No. 1, Dodge place, Regent's Barracks, London.

Q. You are the author of a book published about 1891 on the Philippine Islands?—A. Yes, sir.

Q. How long have you lived in the Philippine Islands?—A. Summing up the different times of being there, eleven years.

Q. Covering what period of time?—A. Thirteen years and a half, off and on; altogether, eighteen years.

Q. About what years were you there?—A. I was there from September, 1880, to the middle of 1885.

Q. That would be about five years?—A. Yes, sir. Then I was away six months; I made a voyage around the world, and I returned to the islands and remained there another four years, until the end of April, 1889.

Q. That would make nine years?—A. Yes, sir. Then I went to China; was there two years, and then I went out in 1893; and was there, really, in the islands about six months.

Q. Six months in 1893?—A. Yes, sir; and then again in 1894 about six months. In 1895 I was again fully six months, a little over perhaps, and in 1896 again six months—quite six months—nearer seven, perhaps.

Q. Then you have been there as late as 1896?—A. Oh, yes. I left the islands in 1896—the last week of November—and the rebellion broke out on the 20th of August that year.

Q. The last insurrection was in progress, then, when you left?—A. It was; yes, sir; about three months when I left.

Q. In which of the islands have you lived?—A. I had my fixed residence in Manila, but, of course, I traveled all over the islands. I have been practically all over the island of Luzon, of course: several times over in a number of years; I have been everywhere in Negros; I have been all over Panay; I have been in the Island of Zelu or Jolo, and was a guest of the Sultan. I have been in three-fourths of the places occupied by the Spaniards in Mindanao. I went on foot from Zamboanga, right through the Province of Zamboanga, up to Misamis on the north.

Q. What was your business or occupation while thus in the islands?—A. I had an interest in a firm in the city of London of engineers, principally for sugar machinery, but everything in the line of machinery for the development of colonies. I had an interest in the concern, and I practically did all the foreign work connected with it.

Q. Did you also make some explorations and examinations with a view to writing the book you afterwards wrote?—A. Yes, sir. I visited a great many parts of the islands with the intention of recording my

observations. My position was independent, you may say. Of course, I was working for my own account, that of the firm, and of course I was quite at liberty to take any course I chose.

Q. You became interested in the islands?—A. Yes, sir; I became extremely interested. No book had been written which rightly represents the islands, or pretends to, before this since the year 1859, when a German named, I think, Jago wrote one.

Q. What, from this acquaintance with the islands, do you say as to the character of the inhabitants, and if there are differences among the people give us an idea of them?—A. The most plastic nature, that which can be most easily molded and attracted, and drawn to accommodate themselves to and accept a new system which might be established for their future government, would be certainly the inhabitants of the Island of Luzon. The central islands, known as the Vizcayas Islands——

Q. Please point out the names of those islands?—A. That is Luzon, and these here are the Vizcayas, Panay, and Negros, and Cebu and Bojol and Leyte and Samar. That is Tagal. Those islands there and there and there [indicating on map] are known as Vizcayas. Mindanao is spoken of separately.

Q. Is Mindora spoken of with them?—A. No; that is spoken of separately.

Q. Name the Vizcayas Islands?—A. Panay Island, Negros Island, Cebu, Bojol, Leyte, Samar, and Masbate. They are considered the Vizcayas Islands.

Mr. REID:

Q. Will you kindly point out the Sulu Archipelago at the same time?—A. There is the Island of Zulu, called by the Spaniards Jolo, the Sultan of which resides in a place called Maybun.

The CHAIRMAN:

Q. How far does his jurisdiction extend?—A. Of course the Spaniards have tried to reduce it to his own island, but the inhabitants of this island of Mindanao give allegiance to him and acknowledge him as their chief, and also the Batnos tribes on the island of Palawan, and the islands running down to the island of Bilbaoc there, upon which faces the Spanish settlements of this coast, including those on the island of Bilbaoc. This island is, in my opinion, worthless.

Q. What island?—A. Palawan. Because the whole west coast can not be approached to within less than three miles, except by very careful navigation. Here and there there are a few shoals, but such extremely careful navigation is required that it is practically useless. The island of Palawan produces very little. I have been across the island. I went with bearers and walked across it.

Q. You would divide the group into Tagals, who inhabit Luzon and Mindora—the tribes who occupy the central islands you have named; and the tribes in the island of Mindanao and the Zulu group as another group and class of inhabitants?—A. Yes, sir.

Mr. DAVIS:

Q. How are they made?—A. They have no special denomination. In Spanish they speak of them always as the Moros or Moors, because they are Mussulmans, and therefore follow the same religion as the inhabitants of Morocco. They are also spoken of as Moros from the dominion of the Moors in Spain, which lasted nearly eight centuries.

Mr. DAY:

Q. Will you take up the three classes and give, briefly, the characteristics of each?—A. The Tagals are of a very easy, plastic nature—willing in their nature, I should say, to accommodate themselves and take up any new established dominion which might be decided upon, and I think they would fall into any new system adopted. The inhabitants of the central islands, or Viscayas, are more uncouth, decidedly less hospitable, and somewhat more averse to associations and relations with outsiders than the Tagals—those of Luzon—but I think they would easily come under sway. They want a little more pressure and would have to be guided, more closely watched, and perhaps a little more of the iron hand used than in Luzon.

There is a very peculiar class in the island of Panay, in the neighborhood of Iloilo and in the Province of Iloilo. They are Chinese half-castes, the issue of Chinese men and Vizcayas women, and they hold the trade, as far as it is in native hands outside the foreign houses, with Iloilo. They are called Chinese mestizos or half-castes. They are very abrupt and not very sociable, but have no power, can not organize themselves, could not do anything, and, of course, would have to knuckle under to anything that might be established. You would probably find them rather cantankerous at first. They are perfectly civilized so far as the civilization of the Philippines goes; they are the cream of the civilization of the island of Panay, and they trade there and deal with the foreign houses. They are the middlemen, and they practically inhabit two towns near Iloilo, viz, Molo and Jaro. In the island of Negros there are very few persons of importance or who have much to say in their ruling matters, because they do not care to live in that island more than they can help. They look upon it as a planting land and do not care to live there.

Many of the planters who own estates in Negros live in these towns of Molo and Jaro. Negros Island is the richest island in the archipelago for the production of sugar. It was regarded as a terra incognito certainly up to the year 30 of this century. It seemed to be a sort of refuge for those who ran away from justice, or injustice, or persecution. But about the year 1852 or 1853 steam navigation was first introduced into the archipelago. It was the first time they had running the interisland steamers, and the planters, therefore, being able to chase away the Mussulmen from the south, who constantly raided Negros, they really made life more possible for settlers on this island, and things quieted down. They appointed a governor, and he had his residence at Quilo Milan. The governor was murdered because he was going to make raids into the interior of the island and brush it up generally, and build roads, etc., and as he was to do this so as to cost nothing to the state, he seized people on the pretext of being criminals and on all sorts of pretexts to get large gangs of men to utilize them for the purpose of making these roads. Of course the most of them were not criminals, and they saw that they were going to have a hard time, and so they dispatched the governor. Another governor was selected, and when he heard what had been done there he did not want to go.

Q. And he did not go there?—A. No, sir; and so he removed the seat of government to Baquil.

Q. What are the characteristics of the inhabitants of Mindanao and the Zulu Archipelago?—A. From the beginning of the occupation of the islands by the Spaniards in 1751 they used to make periodical piratical raids upon the other islands. They did not interfere with

Spanish dominion, because the Spaniards had never hitherto pretended to trouble themselves much about the Vizcayas or central group. But the Spaniards thought it would be an easy matter to wipe out these people in a little while, in an easy campaign, but they found they had opened up a hornet's nest. They went down to attack these people, known as the Moros, and ever since that time these people have made a dead set upon them. They never left them any peace. One time they came with their craft, known as vinitos, right up the Bay of Manila, though they have never touched the city, and from that time until year before last there has been constant trouble with these people. They have been determined that they would not be subjected by the Spaniards at least.

The last little war—and it became quite a custom, a thing understood, that almost every Governor-General should win an honor, a decoration, a medal, or something of that sort in his career by making war in Mindanao—the last war was known as the campaign of Maraout in the north of Mindanao. That was year before last, and so it would probably have been the custom forever. They will not acknowledge the Spaniards; they positively refuse their dominion. The Spaniards kill a few and break up some of their strongholds, and then the thing goes on as before; they never will admit the Spaniards there. For other foreigners it is very different. I know there are Germans there. There is one, whose name I think is Schultz, who, some years ago, was seized by the Spaniards for having introduced commodities and arms, etc., into the island. He was taken prisoner, and escaped into the interior and ingratiated himself with the natives so well that he received in marriage a Zulu wife, and I have seen his two nephews down there at ——

Q. How far is Mindanao and the Zulu group under Spanish control?—A. The Spaniards hold Zulu or Jolo town itself in Zulu Island. Frequently there are raids made into the town. When I was there once, just a few days before they had made a swoop on the town and killed two or three officers who were sitting outside a café, a drinking shop or shanty; and this used to go on all the time. Frequently it was so. They really do not hold on the island of Zulu more than the town itself.

Q. How on the island of Mindanao?—A. They hold several little posts here—Zamboango, Cottabato, Butuwan, Misamis, Davao, Dapitan, etc. The latter is a small place where they can go. Davao is on the Surigao coasts, and they have one or two missions along there. In the interior, nothing whatever.

Q. Who controls the interior?—A. No one. It is in quite a primitive state.

Q. Inhabited by these tribes?—A. Yes, sir.

Q. They are not subject to the Spaniards at all?—A. No, sir; they are really independent. I never heard that a Spaniard ever crossed the island from one side to the other.

Q. You know the city of Manila pretty well?—A. Yes, sir.

Q. How many people are there there?—A. I estimate about 400,000, including, of course, all the inhabitants, including 60,000 Chinese. The Chinese hold entire streets, and especially there is one street, the Calle del Rosalio, which is nine-tenths Chinese.

Q. How would you divide the population, briefly, into classes—you have said there are 60,000 Chinese?—A. Yes, sir. I should say that, in normal times, there would be 6,000 Spaniards. There would be about 250 English; 250 to 300 Germans—I think they are rather in

excess of the English. There might be 300 British Indians, probably 5,000 Chinese half-castes born in Manila, and perhaps 50,000 Spanish half-castes.

Q. By Spanish half-castes you mean the descendants of Spaniards who have married native women?—A. Yes, sir. And a sprinkling of other foreigners, and the balance Tagal natives; of course, here and there, a few of all nations, Italians and others. The Tagal natives are extremely hospitable. It is a notable feature that there is no such thing as a hotel in the whole of the island of Luzon outside of Manila. It is an extraordinary thing—they are so hospitable that the extent can not be realized by anyone who has not been there.

Mr. FRYE:

Q. Then there is no difficulty in obtaining hospitality anywhere?—A. Oh, no; for anyone not a Spaniard, and even a Spaniard, can find means to get a lodging. Anyone not a Spaniard can receive hospitality anywhere except among the hostile tribes.

Mr. REID:

Q. Can they tell a Spaniard any way except by the language?—A. Oh, yes.

The CHAIRMAN:

Q. How many people are there on the island of Luzon?—A. I think the island of Luzon is thinner populated than is generally considered. I do not consider that there are more than a million and a quarter.

Q. How many natives on the islands?—A. Subjected natives who have accepted the dominion of Spain and are nominally Roman Catholics, about 5,000,000. Those who have not accepted the dominion, who have never been subjected, and who are supposed to be the aborigines, and unconquered tribes, including the Mussulmen of Mindanao, another million—6,000,000 total.

Mr. FRYE:

Q. 11,000,000?—A. Oh, no; 5,000,000 Roman Catholics, subjected, and 1,000,000 more; 6,000,000 in all.

The CHAIRMAN:

Q. Will you explain what are the relations of the church and the ecclesiastical orders to the people and the government?—A. The island was first discovered in 1520 by Magellanes, who died there fighting the battles of the new vassal of the King of Spain. The islands were then abandoned for about fifty years. They were called the Philippine Islands in honor of Prince Philip, son of the King. Fifty years passed and a priest called ———, who resided in the city of Mexico, pressed the matter of the annexation of the islands for the saving of souls upon the King very forcibly. At last the King gave way, and orders were issued for an expedition to leave Mexico for that purpose. The man appointed to lead the expedition was ——

Q. What we wish to know is the present relations rather than the history. What is the relation of the church to day to land titles, to the people, and to the government?—A. There are four orders of monks, the Augostinos, or Augustinian friars, the Dominican friars, the Recolletto friars, and the Franciscan friars. These are the monks who are alleged to have usurped the incumbencies and are vicars of parishes. In addition to them are the Jesuits, who now, for some years past, have had nothing whatever to do but to take care of the education of the people. There is not anything like the same animosity against them that there

is to the others, and I am inclined to think that the people look upon them very well. They do not interfere with the personal liberty of the people.

Mr. Reid.

Q. The morality of the Jesuits is better, also, is it not?—A. Yes, sir; it is very good. There is nothing to be said against them now. The head of the church is the archbishop. The archbishop is usually, but it is not absolutely necessary that he should be, an individual of one of these orders. The immediate chief of each of these orders is called a provincial. The provincial is the business man of the order, and these provincials are not very much subjected—they are nominally, but not very much really—to the archbishop. In fact, they sometimes, it is well known, have shown insolence and insubordination to the archbishop. The present archbishop seems to have very little hold upon them; what the provincials wanted to do they did. The case against the friars is this, and it showed itself in a little outbreak, called the rebellion of Cavite, in 1872. The secular clergy—these monks are the regular ordained clergy—claimed, under the conditions of the Council of Trent, that these monks, as missionaries, were not entitled to hold the incumbencies; that by a papal bull which settled this matter when it was raised these monks were allowed to be only missionaries, and could only open and establish missions, but that when these missions became parishes and when the people around them adopted the Catholic faith, they should then retire from these parishes and the incumbency should be taken by the secular clergy.

Q. What do you mean by "incumbency"?—A. The position occupied by the parish priest—the incumbency of the parish.

Q. The titles to lands are usually in the hands of these monks?—A. Yes, sir; they hold large tracts.

Q. How did they get these lands?—A. Usually they simply took possession—appropriated it. They have in their orders what are called "brothers." There are "fathers" of the orders and "brothers." "Brothers" are simply persons who have taken certain vows, but who are not allowed to celebrate mass—simply workmen—and they put these in charge to take possession of the land.

Q. They took possession. Did they have no decree from the Spanish Government, or the Governor-General, authorizing them to take possession of the land?—A. Not at first. Subsequently they received decrees, but never could they get title deeds, owing to the opposition of the natives. The lands taken were not devoid of settlers, but most of them were simply squatters, and in some instances they passed several generations of squatters.

Q. Practically, were they not all of that class?—A. Practically they were, as there was no one to give title deeds.

The Chairman:

Q. They do have title deeds?—A. Yes; but it was such a long, ponderous matter that they have given up the idea.

Q. These titles were not recorded?—A. No, sir.

Q. How did it work or was it operated?—A. They let the land out in parcels for rent, called canons. The man to whom they were rented held them generally for three years—that is, usually, I think—over all these estates three years' holdings. No guaranty of any kind passed. At the end of the three years all improvements made by the man in

possession, the tenant, were capitalized by the corporation, and they say that they regard the land is of so much more capital value, on which they base the rent, and require a higher rental. So really they steal the fruits of the labor of the tenant, and they charge a new rent on the new valuation, and this new valuation has come from the work of the tenant. The natives kick very much at this; it is a very sore point with them.

In the Province of Laguna, where the Dominican corporation had their lands, they even pretended so far as to say that cane mills and machinery for crushing the cane should be left on the estate if you go out at the end of your three years and do not renew the lease—that you should leave them the machinery. A very great question arose, and then there appeared a certain man called Dr. Rizal, who was executed in the first week of last November or the week previous, and he went down to his native town and raised this question as to title straightway with the Dominican order, and he said, "Show us your title deeds; it will satisfy me and the people around here and it will be better for yourselves, because it will restore peace and order and it will not do you any harm;" and they could not show their title deeds.

Q. Are all these lands held in this way, or do the natives have some holdings of their own?—A. Oh, yes; here and there some of the natives have holdings of their own.

Q. What proportion are held in this way?—A. It does not amount to very much; 3 per cent probably.

Mr. REID:

Q. Three per cent of all the lands in Luzon constitute the whole holdings of these corporations?—A. Yes, sir; it would not amount to more than a thirtieth, I think.

Q. What per cent of the cultivated or valuable land?—A. I am speaking of the cultivated, valuable land; 3 per cent, not more than that.

The CHAIRMAN:

Q. The rest held by natives?—A. Yes, sir; and by Spaniards, and I suppose there are possibly six estates held by foreigners not Spaniards.

Mr. REID:

Q. What is the size of these estates in English acreage?—A. Not large. What is called a large estate there would be about 3,000 acres. That would be considered a large estate.

The CHAIRMAN:

Q. What do you know of the moral character of these friars; how do they conduct themselves in that respect?—A. A very large percentage of them lead loose lives. They encroach upon the virtue of the women. In the towns, for that purpose, they get up what they call a "Cofradia." They will call a thing a "Cofradia of St. Paul" or "St. Joseph," and they get women to join, and these women really become the servants of the priests. They do not, of course, say that it is that, but that is what it really amounts to, and they are called upon every once in a while for a "Cofradia," and I knew a place in Negros where they taught the women to consider it quite an honor to clean out the parish priest's house, and in this way they have the women at their call, and there are a great many, a very great many of the sons and daughters of the priests throughout the islands. There is no secrecy about this; they do not tell it in whispers, and the natives allow their

daughters to marry the sons of these priests freely. They do not seem to mind it much. I remember one notable case. I was staying with a friend of mine down in Lagnimance——

Q. In the island of Luzon?—A. Yes, sir. My friend's name is Henry George Brown. He lives now at Saffron-Walden in Essex, England. I have known him about seventeen years, and I was staying at his place, and a letter came from the corporation, saying that Father So-and-So is going to pass through your town on his way to Tamina, due north of this place, and will you please take charge of his goods and parcels, and see that they are sent on to Tamana. I was there at the time the small steamer came in, and a drenching rain came down, and simply drenched the things, and Brown said that it would be a good act to open these things and dry them, and so we had the cases opened and the things spread out to dry, and he called to me and said, "Just look here; is this not astonishing?" and he showed me some filthy prints, photographic slides for a sort of kaleidoscope arrangement, slides and prints of a most filthy nature. He said: "I show you this because it does not seem possible that, coming in the package of a priest, these things could be possible." He said it was no business of ours, but that he showed them to me for their moral effect, and I mentioned it in my book. And that is the man who was to take charge of the souls of the parish he was appointed to. That man had been turned out of the parish he had because he was so obnoxious; he was simply a human beast.

There was another case. When I first went to Manila there was quite a hubbub about a certain priest called Pierre, who held a parish in Pampanga Province, and he had beaten a boy to death, so he was taken away from there and sent farther north to a town called San Miguel de Mayamo. I had occasion to go to that town and they told me about it—it was notorious. A woman came to see him, and he kicked her in the abdomen and she fell down badly hurt, and died. This became too notorious, and they removed him from there. It was talked about freely, what a scandal it was, etc. That was when I arrived, seventeen years ago, and they said, "Is it possible we are going to have these priests free from justice, and that they can do as they like with us?" so he was taken away and sent down to the province of Cavite, and there the rebels caught him in this last rebellion, and, more to ridicule him than anything else, I think, they made him their bishop. They said, "Mind what you do. You can be our bishop and take charge of our clergy, but don't you attempt anything behind our backs." He thought he was quite safe, and he was found taking sketches and notes of their strongholds. He had already made arrangements with the monks for their delivery. They caught him, and they said it was treachery—he had made negotiations with the Augustine monks in Manila—and after proper trial he was condemned to death. He was tied to a post, without a hat and without water, and died of sunstroke, fever, and hunger, and that was his end. And no one regrets it.

Q. How much influence on the civil government and the administration of the courts do these orders have?—A. The priests can not be summoned to an ordinary court, nor can they pursue others in court; they can not appear in court at all, but when a priest makes a declaration it is accepted as a fact, and no proof is necessary. It is quite sufficient that Father So-and-so signs it. The administration of Manila may be regarded as purely and simply the executive of the priests, which are the ruling order there. Over and over again Governors-General

have been sent away on the recommendation of the monastic orders in recent times. At the end of 1892 I was in Spain, and the son of General Despujols came to visit me, knowing that I was well acquainted with the country, and he told me that his father was going out as Govenor-General of the islands and he would like to have a chat with me I asked him how his father stood with the priests. He said he stood very well, that he would try to recognize their power and stand in harmony with them, and I said that if he did that he was all right.

General Despujols went out, and I went out there in 1893, and he had just left. He had been eight months in power. Appointed for three years, at the end of eight months he had been obliged to clear out, from the influence of the monastic power. The main points against him were these: This man, Dr. Rizal, who went down and raised the point of the deeds, etc., with the monks, had been to Europe and had studied in Germany. He was a very clever man, quite an exception to the general rule, and had published three books against the priests—one called Noli me Tangere, another Filibustero, and another was a reproduction of a book written by a priest years ago, who was also an exception. For this he was looked down upon by the priests as a disturbing element. He came to Hongkong, and from there he was cajoled to Manila on the promise that he would not be molested. He went there to the Governor-General, but they detained his baggage and pretended that he carried incendiary leaflets for the purpose of raising a rebellion.

The priests required that he should be executed, but the governor-general refused to allow it; said that it was utterly impossible that he should be executed for what he had written, and refused. All they could get out out of the governor was, "Very well, you are banished to the island of Mindanao." This is the place to which he was banished, and where he remained for four years, Dapitan. I saw his little hut there on the bay, and visited him there. That displeased the priests very much. They had strife and questions between them and the governor-general, and the latter said, "I am going to see how you are working," and, all of a sudden, he had a raid made upon the residences of the Augustino monks in a place north of Manila, and had the place suddenly seized and raided, and it is very well known that he found a printing press printing these same incendiary leaflets, and the priest who was employed in doing so was perfectly well known to everyone in Mailaban, to Americans and English, where there is a big sugar-refining establishment owned by Americans and English, the English resident in Manila and the Americans in Hongkong, and known personally to them. The man disappeared and was never seen again. I can not say where he went. These leaflets were seized, and from that moment the governor-general was a condemned man, and he left. I went out in 1893 and he was not there.

Q. You regard these orders as the dominating power?—A. Yes, sir. General Blanco was out there in Manila, where I saw him nearly every day. He was there at the beginning of this insurrection in 1896. The archbishop is the most bloodthirsty man there. I knew him perfectly well. I used to meet the priests and hear what they had to say, and they said that what Blanco had done did not please them at all; did not suit their view of it, though, of course, I had very little to say—nothing to say, in fact. But their complaints were that General Blanco was not sufficiently bloodthirsty for them, and that is the reason he went away from there. Their idea was that he should take the few

troops he had and spread fire and sword broadcast among all the islands. And Blanco was practically exiled from there because he was not sufficiently bloodthirsty to satisfy the priests.

Q. What can you tell us about the climate?—A. Of course, everyone must act on certain lines in all tropical countries, but I consider the climate excellent for a tropical country.

Q. White men live there in comfort?—A. Perfectly. I never had any sickness there; I never knew what fever was; I had only one little experience of it there, for a few days.

Mr. REID:

Q. Are there any prevalent fevers there?—A. People do get fever, but very seldom.

Q. Is it a pernicious fever, such as they have in Cuba?—A. Oh, no; very light, indeed; and the natives will get a fever more often than Europeans; it is owing to their mode of living.

Q. Is it a malarial fever?—A. No, sir; I consider malarial fever to be that which comes from the opening of new ground.

Q. Would it be with chills?—A. Not malarial fevers, as I understand them. I was once at Vera Cruz, and I saw that there was a lot of fine land back of the city which was not used at all, and I asked why it was not utilized, and they explained to me that the minute they turned the sod the people were attacked by the fever and dropped down with it, and died within eight hours after. I never knew or heard of men being troubled from the opening of new ground in Manila or the Philippines.

The CHAIRMAN:

Q. Which is the best and farthest advanced of these islands?—A. Luzon I consider the most advanced, owing, of course, to the close association with the Europeans.

Q. More insurrections break out there.—A. Yes: and it is just because they are able to see other things. What they ask is perfectly just. Their insurrection is not from a love of quarreling or opposition to white men at all. There is no such thing as any hostility to white men; such a thing does not exist.

Q. What are the causes, briefly, of insurrections?—A. Very broadly speaking, the main cause is the persecution of the priests, their interference in the little petty details of a man's life, his wife, his daughter, the constant persecution, the petty revenge. These parish priests interfere in a man's own home and household, in the interior workings of a man's house. And all of a sudden a priest will take a dislike for some little thing, or nothing, and then that man is marked, and periodically the priest will take a piece of paper and write on it and say that he has reason to believe the individuals marked in the margin are—whatever he wants to call them—disturbers of the peace, etc., and will request that they be removed from his district, and the man will be taking his coffee in the morning, getting ready to go to his estate, and the civil guard will appear and say, "You are wanted." "What for?" "By order of the governor." And he is walked off, and if he shows the least disposition to dispute his arms are tied behind him and he has to tramp, tramp, tramp, down, and down, and down to Manila. That is one of the points especially raised by Aguinaldo, that arbitrary power to arrest at any time simply on the name of the governor.

Mr. GRAY:

Q. Has the person so arrested no chance for a judicial inquiry?—A. No, sir; the Governor-General has the exclusive power.

The CHAIRMAN:

Q. And he takes the word of the friar?—A. Yes, sir.

Mr. REID:

Q. To where do they banish them?—A. Generally to the south of Mindanao.

The CHAIRMAN:

Q. Is there any such thing as a fair administration of justice in the courts?—A. That is one of the greatest misfortunes, and as a foreigner I would make many sacrifices to avoid a cause in the courts. You might as well leave the islands. They will follow you to the last dollar, and the thing will go on as long as there is anything to be got. There is a remarkable instance of that in the case of the Hongkong and Shanghai bank, which had some question with the house of Jurado & Co. The question is still on. They went to court over it. The bank certainly did make a mistake in wishing to close down upon them for certain promissory notes before they were due, but they put it on the ground that the promissory notes had been indorsed by everybody and anybody, even by boys back of the counter.

The thing came into court, and Jurado & Co. found themselves in bad shape, and it came out and back again, and went from civil court to criminal court, and sometimes one side would get the best of it and sometimes the other. The bank was shut up, and Mr. Townsend, the manager of the bank there, was notified that he must consider himself a prisoner. The consul protested against it, and he was ordered to be sent to Bombay or Calcutta as a persona non grata. He removed his things, and the whole thing was shut up. They sent for an Englishman who was a machinist to pry the locks of the safe, and he said he could not do it. He was working on it for a week, and then said he could not do it, that he could not possibly pry these locks, and then they got up a little syndicate of natives, a little banker there whose name I forget, and some others, to personate the bank, and they thought they would be able to make a large claim out of it, and the last I heard of it the claim was for $930,000 Mexican, the claim made by this house of Jurado & Co., and they have kept on and can not get a settlement, and it is still pending. I bank myself with the bank. It has its offices in London at 31 Lombard street, and the brother of this man Jurado is also living in London, I believe in Chelsea, but his office is at 21 Billeter street.

Q. They will never get a settlement?—A. No, sir; never. Years after this came up I was in Madrid, and I was going down by the offices of the minister of war, and I met this man Jurado from London, and he said the whole thing would be settled in a fortnight, and that he would get his claim. I went on to the minister of war, with whom I had an engagement, and he said I was a little late, and I told him that I had been detained by meeting this man and his conversation with me, and that he said the whole thing would be settled in a fortnight. He asked me if I would meet the man again, and I said that I might, perhaps. "Tell him it is a lie, and that the matter is not settled yet."

Mr. GRAY:

Q. Are those things managed by Spaniards?—A. Yes, sir.

Mr. REID:

Q. Peninsulars?—A. Yes, sir.

The CHAIRMAN:

Q. Appointed by the home government?—A. Yes, sir.

Q. What about the other causes?—A. I think I have said enough about the priests.

Mr. FRYE:

Q. Your remarks do not apply to the Jesuits?—A. No, sir.

Mr. DAVIS:

Q. Nor to the native priests?—A. No, sir. They want to clear out the priests, except the Jesuits as educators and schoolmasters. I do not think they would have much cause to object to them. Another thing they object to is they have fifteen days' forced labor. The natives must give fifteen days' labor, which they can redeem by paying so much money down. Every governor when he comes to a province inquires how many "polistas" or men subject to this tax there are, and then he goes to the towns and makes a bargain with the petty governors of the towns, the headmen of the towns, called "capitans:" "How much will you get together to liberate so many men?" And then the governor will put down, say 5,000 men's work, when, as a matter of fact, only a thousand work, and he pockets the money paid by the 4,000 to get off, and they object to this method very much, because it is a constant source of worry.

Mr. DAVIS:

Q. Is that compulsory labor?—A. Yes, sir; and can be redeemed by a payment.

Q. Enforced by punishment and slavery, if necessary?—A. Yes, sir.

Mr. FRYE:

Q. To whom does the money go?—A. It is supposed to go to the Government, but it really goes only to the governor of the province.

The CHAIRMAN:

Q. He reports a great many, of whom only a few work, and pockets the money paid by the rest?—A. Yes, sir.

Q. What other grounds of complaint?—A. There is the civil guard. The institution, theoretically, is very good; it is no doubt necessary to have a civil guard.

Mr. REID:

Q. What is the civil guard?—A. A mounted military police.

Q. Natives?—A. The officers are Spaniards and the line natives. They call it the civil guard, what we call the constabulary, but their functions are in rural districts: there are none whatever in towns except where specially appointed, or in mere villages, but in the city of Manila they have no functions. In my opinion the civil guard is very necessary—theoretically, a very good thing. It is necessary to have an armed force, a sort of military police, to prevent raids by real brigands on property; I should be very sorry to see the civil guard disestablished.

Mr. DAVIS:

Q. Wherein is the abuse?—A. The abuse is this: An officer will send a patrol of two men to walk through the district, and generally to patrol it and see what is going on around there. These men, as they go along from hut to hut will steal—the people are miserably poor, and it is a great thing for them to lose two or three chickens or a little tobacco or

sugar—and they go along and pick up anything they like. They will go to a man and say: "Where is your document of personal identity?" and the man is out in the field, perhaps, and he says: "I have not got it: I left it somewhere else, at the house," and they arrest him at once. He says: "Let me off." "How much?" and he gets off if he pays. They do this on their own account. They will also trump up charges against the natives. If an officer of the civil guard can not get milk delivered as he wants it, or sugar, or whatever else he wants, or can not get a man to run his horses gratis, or anything whatever he wants for his use, he will trump up a charge, and the man is taken off to the principal town of the province on some trumpery charge. Then they will allow a certain license in the cock fighting. It is supposed to be prohibited, but it is alleged that it is so set in the native character that it can not be eradicated, and on Sundays and certain other days they allow it, and the guards will go in, and if they do not get a certain percentage of the bets, etc., they are down on them. They are also constantly interfering with the internal workings of the households amongst the natives.

Q. Any other ground of complaint?—A. No, sir; so far as I know.

Mr. REID:

Q. What about the poll tax?—A. That is the sedula of which I have spoken. They give in exchange for the payment of the tax a statement of personal identity, and require every one to have one, from the Governor-General down.

Q. How much does that amount to?—A. It is very light, in my opinion. The lowest grade, I think, is $1.25, Mexican, per annum, and it goes up to $25, the highest. It is not a very high tax. Of course, the general complaint, which does not press so very hard upon the natives, nor so particularly, is the impossibility of obtaining justice in the courts.

Mr. GRAY:

Q. Is the poll tax confined to the adult males?—A. No; women as well; every adult male.

Mr. DAVIS:

Q. Children?—A. They are put upon the list, but are not taxed until they are 18.

Q. All persons over 18?—A. Yes, sir. You are, theoretically, counted as not existing unless you have the paper of personal identity. If you appear at any Government department, the first thing they ask is, "Where is your cedula?" If you can not show it, you are called "non-existing."

Mr. FRYE:

Q. Do you know anything about the port charges?—A. I can not give the rates, but I do not think it works hardly.

Mr. DAVIS:

Q. Do you know of the existence of any coal in any of the islands you have traveled on?—A. In the Island of Cebu.

Q. Was it good coal, or simply lignite?—A. Lignite, I think.

Q. Is it coal that can be used for running steam vessels?—A. No; it would not be safe to use it alone for steam vessels.

Q. It has been tried?—A. Yes, sir.

Q. There is no other coal?—A. Yes, sir; in the island of Luzon.

Q. Has it been worked?—A. Oh, yes; but I think it was a failure; and here and here [indicating on map]. That was much better coal.

Q. Can that be used by itself for the operation of steam vessels?—A. I do not think it would be safe; I do not think it is good enough.

The CHAIRMAN:

Q. What do you say, from what you know, as to these natives being capable of self government if left to themselves?—A. To speak briefly, I say "No." The native has no expansive ideas; he can not go far enough to understand what it is to rule matters for the benefit of the common weal; he can not get past his own most personal interests, or his town, at the most. I think the greatest length he could go would be his own town. But constructing laws, and obeying them, for the benefit of the commonwealth, I do not think he is capable of it at all. I think an attempt at a native government would be a fiasco altogether.

Q. Do you think they would submit to a free government, well managed and equitable?—A. Oh, yes; of course, there would be some little dissatisfaction at first—it would not go down, I think, very agreeably at present; they would suffer a disappointment for the moment; but in a few months they would get over that. Aguinaldo has ideas now that he would like to be president.

Mr. GRAY:

Q. Would the passing into the hands of an anti-Catholic power be a source of irritation?—A. No, sir; the matter of religion would not trouble them at all.

The CHAIRMAN:

Q. They submit to the present religion because it is a matter of policy to do so?—A. Yes, sir.

Q. What do you say as to whether or not, if it should be concluded that Luzon should be separated from the rest of the group, a government could be maintained there of sufficient resources in that island for the maintenance of government? In short, what would be the effect of seeking to establish a colonial government on the island of Luzon by itself first?—A. For the moment there would be a difficulty of labor. Nature is so prolific there that man can get along almost entirely without work. Of course in the city of Manila it is not the same, but the people from among whom you would draft for labor can almost live without work and get all they want, construct their houses entirely of wood, get wearing apparel to merely cover their nudity, and can get all they want to eat and drink without the necessity of working.

But I think if Luzon were kept by yourselves, they would be so startled by the perfect paradise it would seem to them under the Government of the United States that the natives of the other islands would hear of it from all sides. There would be steamers and canoes coming to and fro, and they would hear that they could walk the streets perfectly free, without being obliged to carry a piece of paper to show, and they would be as much astonished as was Aguinaldo when he found that he was on free soil and could open his mouth when he was at Hongkong. It was months before he could open his mouth to speak freely concerning the Philippines. I think that would draw large immigration from the other islands to Luzon, assuming that the other islands were under Spanish dominion. Conditional on that, I think it would draw very large numbers from there, and that you would thus get over the labor difficulty, and the island of Luzon, being worked up, would be sufficient to establish a very prosperous colony. I think it would be a very fine colony.

Q. What would be its relation to other places in the East, such as

China and Japan?—A. There is a large trade in sugar for Hongkong, a large refinery at Taku; and sugar is also sent to Shanghai, and the hemp is also shipped, principally to America; probably 90 per cent of the hemp, quite 90 per cent of the coffee. A disease has come to the coffee plants, and the trade was injured, and it has been wiped out almost entirely—is said not to exist.

Q. Is a considerable part of the island said not to be cultivated—as yet undeveloped?—A. Yes, sir; I should say that a third of Luzon is virgin soil.

Q. And is capable of being worked and developed?—A. Oh, yes. I should say, taking into account the neglected estates—merely possessed, not worked, because of no means of transportation, merely owned by so-and-so—putting the two together, I should say one-half of Luzon is agriculturally dormant.

Q. What kind of crops can be grown there?—A. The center of Luzon, called the Black Bush, is a very fine valley watered by the Rio Grande, a river rising in the center of Luzon and emptying itself in the extreme north of Luzon at a place called Taal, where steamers drawing 7 feet can get up. There is a steamer going up very occasionally, and you can go up 25 miles. I have been up it some distance myself, and it is navigable for a big boat, canoe—a canoe drawing a foot and a half draft. In such a canoe I have been very near to the source. With a little attention it would be made very navigable for light-draft craft. It runs through a very fine valley, and the specialty of that soil is the cultivation of tobacco. The other islands produce tobacco. Negros produces tobacco, but it has been found that Luzon produces the finest. I have smoked the tobacco of the Viscayas, and it is decidedly inferior to Luzon tobacco. It is the elements of the soil. There is no getting over it. The land is also very good for coffee in Luzon. Coffee has been found elsewhere, but not found to prosper so well in the other islands as in Luzon.

Coffee has been tried in Cebu. I have seen it growing there, and Bell, Smith & Co. had some of this coffee brought down to see what they could make of it, but it has been proved not to be so good as that from Luzon. Luzon seems to have the very best soil for all products of the islands except sugar. Sugar seems most prolific in Negros, though I do not know that that makes much difference, as cane sugar cultivation is a declining industry, and I think more attention should be given to coffee and tobacco than to the other, because cane sugar is being cut out entirely. As to the trouble of keeping Manila, assuming the other islands to be occupied by other nations, if it should be suggested that the Spanish should regain possession of those other islands, I would suggest that it should be on certain conditions, and they are as follows: First, the expulsion of the monastic orders and every individual appertaining thereto, Spain to bind herself never to readmit them. Second, no impediment of any kind, passport, license, permit, or any official formality, is to be put in the way of anyone, of any class whatever, who wishes to leave the islands, and every person shall be freely permitted to leave, excepting and in the case of a judicial warrant having been issued against him for some alleged crime. Third, a Philippine commercial treaty to be made between the United States of America and Spain specially regulating the commerce and trade interest in all its features relating to the interisland traffic, i. e., the commercial relations between Luzon (American) and the other islands (Spanish). Fourth, no alienation without permission of the United States. Fifth, Spain not to impose any export duties.

In regard to the second condition, it is not a mere theory; it has a practical object. In it the free exit would mean that they should not put an impediment in the way of the people going to Luzon. It is most necessary, in my opinion, that that should be an expressed condition, that there should not be an impediment to the egress of those people from those islands, and by it you will have the great advantage of getting over the labor trouble, and through immigration and propagation in a generation the labor question will disappear entirely.

Mr. GRAY:

Q. Free commercial intercourse between the islands?—A. There should be a treaty of commerce for interisland traffic, treating of relations between Luzon and the other islands. I do not think you could ask Spain to open free ports unless you make yourself Manila a free port. If you make Manila a free port, no custom-houses——

Q. I did not mean no custom-houses.—A. I should also put on Spain the condition of no export duties, and then that will permit produce coming from Spanish islands to Luzon.

Mr. REID:

Q. Do you think it would add greatly to the complexity and difficulty of the problem to govern the whole group rather than Luzon alone?—A. It would add to the size of the establishment.

Q. Would it add to the complexity of the problem to govern the entire group?—A. No, sir; I do not think it would.

Q. You do not regard the problem as different in the southern part from the northern?—A. No, sir; I think to allow the natives of Mindanao to follow their own ideas, to be a little less rigid on the laws of individuals on the Mussulmans of Mindanao, would answer the purpose. The difficulty is that they have never been subjected to any power, whereas the others have. I would suggest that you take that into account. You are taking over a people who have been subjected to a European power in Luzon; in Mindanao they have not been subjected, so, of course, how much they would regard it as a brand-new conquest would enter into consideration.

The CHAIRMAN:

Q. You think the entire group could be taken and governed, or that Luzon could be taken and governed, with the free-trade regulations between the islands and the other stipulations you mentioned?—A. Yes, sir; either course could be pursued.

Mr. DAVIS:

Q. Do you think the native priests would assist in establishing and maintaining good government there?—A. Oh, yes; you would certainly have no opposition from the native priests.

Q. Would we have their active aid?—A. The native priests would not oppose at all; they would not take a hostile course; there would be no difficulty there.

The CHAIRMAN:

Q. How would they regard the Protestant missionaries?—A. I think it would be a matter of indifference to them.

Q. You think the only trouble would be with the monastic orders?—A. From a religious point of view only; I do not think the native priests would give the least trouble.

Mr. GRAY:

Q. Are these priests supported by the state?—A. Yes, sir; by the governmental funds.

Q. Would the withdrawal of government support make trouble with them?—A. I do not think they could get up any trouble.

Mr. DAVIS:

Q. Would they be disposed to do so?—A. I do not think it would go past each individual feeling a little sore. You must remember they constitute the secular clergy, and the secular clergy are not bound by any vow of poverty. They are very good fellows, indeed; very hospitable, and will put you up any time for a night or two. I should say that 75 per cent of the secular clergy have quite sufficient to live upon. And they have lands.

Q. State, if you know, what the amount of aid furnished, per annum, to one of these secular priests will average.—A. It is very trifling all around; I should say possibly $500 Mexican to each one would be a fair average; about $40 per month.

Mr. FRYE:

Q. What do you think the exactions of the church are on individuals?—A. I had some figures which I went over for the purpose of an article. If you would allow me to leave that until another time, I have some notes in a book, and if you can raise that question a little later I could give you a more exact answer.

The CHAIRMAN:

Q. I think you stated in your book that about seven-tenths of the revenues of the island are turned over to the church. How is that?—A. I must have calculated it closely at that time.

The commission here took a recess until 2.30 p. m.

The commission met at 2.30 p. m.

Mr. FOREMAN. In answer to the last question asked this morning, I will read an extract from an article written by me which it may be interesting to you to hear.

The total revenues for the island, estimated, for 1896, were, in round numbers, 86,000,000 pesetas. If you will divide that amount by ten, it will give the amount in gold dollars, or $8,600,000.

Mr. GRAY:

Q. That is the real value?—A. In gold.

Mr. DAVIS:

Q. About twice that in silver?—A. Yes, sir. The disbursements to be made included the following items, viz—these are the actual figures for 1896–97. I will give it in pesetas——

Mr. DAVIS:

Q. Where do you derive that?—A. From statistics sent me from Madrid for the purposes of my literary work. To the clergy I suppose we might call it an allowance made by the Government to the clergy, general allowance, 7,000,000 pesetas out of a total of 86,000,000 pesetas.

Mr. GRAY:

Q. $700,000?—A. Yes, sir. For the Franciscan College in Spain, and passages of priests from Spain to the islands, 275,000 pesetas, or $27,500 gold. For the maintenance of Manila Cathedral, 294,000 pesetas, or $29,400 gold. For the maintenance of the choir school, 20,000 pesetas,

$2,000 gold. Total, 7,589,000 pesetas, or $758,900 gold; so that the net result is three-quarters of a million dollars gold out of a total of $8,000,000 gold.

Mr. DAVI :

Q. About 10 per cent of the entire amount?—A. Yes, sir; it comes to something like what I put in my book. Of course the total amount varies from year to year. Another curious item comes out of this total revenue which, of course, would cease to exist under new arrangements—pensions and allowances paid outside the colony, of absolutely no interest to the Philippine Islanders. I have not noted it here, but they are pensions to the descendants of Christopher Columbus, to a man known as the Marquis de Bademont, the maintenance of consuls in the far East, which are absolutely of no value to the Philippine Islands. The consuls, as at Hongkong, are under the jurisdiction in no sense of the Governor-General of the islands; if the Governor-General wants to make use of them, he telegraphs to Spain and Spain telegraphs back to Hongkong, while, as a matter of fact, the distance is only 630 miles from Manila to Hongkong. This amount is 5,890,000 pesetas, or $589,000 gold. For public works, highways, bridges, and public buildings, nothing. Besides the above amounts, paid direct to the clergy, the sums extorted by the priests for marriages, sale of indulgences, feasts, masses, burials, baptisms, scapularies, etc., are estimated at about 10,000,000 pesetas, or $1,000,000 gold.

Mr. FRYE:

Q. Does the church there have a right to levy a tax on the people?—A. Yes, sir; I think it was about the year 1883, but, however, leaving the date, but certainly it was during the administration of Governor-General Jovelar. Up to the time of his administration the priests used to get 1½ reals—the Mexican dollar, or the dollar out of Spain, is 8 reals; in Spain the dollar is 20 reals. The dollar is distinguished this way: In Spain you speak of reals veinte, 20, and 8 reals fuertes, strong, hard reals, make a dollar outside of Spain; in the colonies 1½ reals had to be paid by every individual living within the district of a parish within a certain parish priests' jurisdiction.

Mr. DAVIS:

Q. Is there a tax levied by Spain on real estate?—A. No, sir.

Q. A tax on personal property levied in the islands?—A. No, sir.

Q. Any direct tax of any kind, except a capitation tax, levied in the islands by Spain?—A. No, sir; there is a trading tax.

Q. That is a license?—A. Yes, sir.

Q. That license is levied there on all traders?—A. Yes, sir; if I wished to day to start a business of any kind, from that of a peddler to the establishment of a commercial house, in Manila I would have to get a license in order to do so.

Q. Tell us the range of those taxes—from what sum to what sum?—A. I think it is from about $5 to $250.

Q. What tax is levied upon the lottery there, if any, or what license is required for the lottery?—A. There is no tax on the lottery, of course, because it is run by the Government, but it is generally understood that the prizes and the income of the lottery are so arranged in such a manner that the Government will assuredly get 25 per cent profit.

Q. Is there an income tax?—A. No, sir.

Q. Is there a cock-fighting tax in any way, by license or otherwise?—A. Yes, sir.

Q. How much license?—A. I can not tell exactly what it amounts to, but it is regulated in this way: They put it up to a tender or at auction, and a number will go forward with tenders for the term of three years, and they undertake to pay a lump sum of so much, payable in periodical installments.

Q. It has been stated that the church appropriated, or had some portion of the proceeds of that license?—A. I never heard that.

Mr. FRYE:

Q. Did you get through with your answer to my question as to the taxing power of the church—they tax everyone so much?—A. Up to the time of Jovelar's administration, I think 1883, the church used to have 1½ reals a head for the sanctorum tax. Since that period they have no direct tax of so much a head, but now it is collected by the treasury, and they receive what is estimated to be an equivalent from the treasury, so the tax remains the same, but is paid to the church by the authorities.

Q. Do the priests have any way of plundering the people of money?—A. Oh, yes. I will just read that little piece again. Pesetas income the same, etc. The amount extorted by the church for attestation is estimated at about 10,000,000 pesetas—$1,000,000 gold.

There is another way the priests will get money out of the people. They will say that the Feast of Our Lady of So and So is to take place on the 20th of this month. "I shall look to you to pay something to that;" and they will go to Captain So and So and say, "You are generous, and we expect so much," and if he says he can not pay so much, they will keep asking, and perhaps reducing the amount, and he is afraid to refuse entirely, and they will finally squeeze out anything up to $500. How the money goes nobody knows. It goes into the hands of the priests and the feast comes off, the candles are there and lighted, and all the necessary paraphernalia, etc., usual at such times, and they have to be content. I suppose a large revenue comes from that.

Mr. DAVIS:

Q. Is there a stamp tax on the island?—A. Oh, yes: the same stamps as in other countries.

The CHAIRMAN:

Q. A stamp tax for instruments, deeds, etc.?—A. Yes, sir; the lowest value is 25 cents of a Mexican dollar.

Mr. DAVIS:

Q. Are those stamps required on all instruments?—A. Yes, sir; you can not communicate with the authorities without paying the tax.

Q. Official documents, notes, deeds, etc.?—A. Yes, sir; and you can not even communicate with any of the authorities without using stamped paper.

Q. Have you any estimate of the amount of revenue derived from that source?—A. I do not know whether it is mentioned in my book. I find the stamps are included in a lump item, Government monopolies: Stamps, cockfighting, opium, gambling, etc., one million one hundred and eighty-one thousand odd.

Q. Is there an inheritance tax?—A. No, sir: but there is something which is tantamount to it. It is very rarely that one party can inherit from another without going through judicial legal formalities. You can not, in a simple way, become an heir and have your trustees and executors put the thing through nonjudicially: you are obliged in some way to appeal to the courts, and the latter squeeze terribly.

Q. Are those subject to any exactions?—A. Nominally; only stamps on the documents relating to it.

Mr. GRAY:

Q. But really?—A. As a matter of fact, when you put in your papers they will lie for a while, and the interested party will go to the fountain head, the person finally having the matter in charge, and he will pooh pooh the matter and send you back to the lowest man in the office, and you talk to him and cajole him and put about a dollar in his hand, and he will push it along a little further, and you go from him to another, and you pay him, and so it goes up the scale. It might cost you a thousand Mexican dollars to get your inheritance. Of course, the same thing obtains in Spain. I was in Spain five years before I went to the Philippines. I just mention this to let you know that I went to the islands not as a foreigner to their methods and language; I was quite familiar with the language and the character of the Spaniards; I went knowing the language and knowing the character.

When I was in Spain, my occupation was mining. I put capital in some mines and worked those mines very successfully for three years. They paid admirably, and I had some house property and sheds which were utilized during the Carlist war. I made a little claim, simply the damage done on the different sides, particularly by the Government troops. They used to fire at one house and knock down another. There were no Carlists at my house, but there was a Frenchman who had a house across the way very near, and the Government soldiers used to fire at his house and hit mine and knock down portions of it, and I made a little claim of about $2,000—the dollar was worth about three shillings, four pence. I was very young, and I thought I would go to Madrid and collect my claim. Every time that a shell would hit my place I would put in a protest with the local officials and with the British consul at Bilbao.

I went to Madrid and put in a claim at the office of the home office, and I was talking to some friends, and I had been waiting some time, and they asked who had charge of it, and I told them no one, and they said for me to go to a court agent. I said, "If you will recommend one I will go to him, and perhaps it will get better attention." They said that the court agent would go to one and another about the matter, and perhaps would reach the minister, and that it would cost me probably about $50 or $60. I went to the man they recommended, and he came to my hotel and took two or three dollars at different times, up to $50. He came to my hotel and said this and that, and I said I was not satisfied, that I wanted the thing pushed; that it was not our way of doing business, and that I did not want anything more to do with him unless he could show me some satisfactory results. He grew very indignant and said, "Oh, you think I am cheating you?" And I said, "Yes;" I thought he was a rascal; and he jumped around and ranted and said he should require satisfaction, and I took off my coat and said, "I am prepared now to give it," and he ran down the steps, and I have not seen him from then to now.

Mr. FRYE:

Q. What would be the effect of stopping cockfighting and lotteries?—A. Lotteries you can stop at once.

Q. There would be no trouble about that?—A. No, sir.

Q. How about the cockfighting?—A. I think there would be cockfighting carried on secretly. I think it would be advisable to tolerate it. The life of these people is very dreary, these natives; they live in

these rural districts and see nothing but mountains and planted lands, and if this is prohibited their vices will break out in some other form; they would have to have some form of amusement. I do not think it would be practicable to absolutely suppress the cockfighting.

Q. You think the lottery could be abolished without any trouble?—A. Yes, sir. The natives are so used, when they do get a prize, to having to tip so many people and to having so many squeezes that they get very much disgusted and say it is a fraud, but it is not a fraud. I I believe the matter is entirely fair: but the base of a lottery system is about as strong as a house built of a pack of cards put on end. If the general idea got abroad that the lottery was a fraud the whole thing would vanish. It is not an involuntary thing. If I myself thought the Spanish lottery was a fraud I would abandon it, and if the whole community got that idea the lottery would vanish like a pack of cards at a breath of wind. The lotteries could be suppressed, to answer your question.

The CHAIRMAN:

Q. Do you suppose, to change the subject, with your knowledge of the administration of the government in the Philippines and Spanish administration elsewhere, that if they were to agree with another Government to institute reforms in the method of dealing with the people, and taxing the people, and permitting the priests to do as you say they do, etc., and the whole matter was left to this treaty or contract or engagement, it would be carried out by the Spanish authorities?—A. Please permit a little preamble to my answer. The Spaniards are such a proud people, and such sticklers in the matter of honor, and, as I understood, they were rigorous enough on the point to cross swords with yourselves on a matter of honor, for I can not conceive any politicians could have dreamed of doing anything more than walking out of Cuba, it was utterly absurd to think they could do anything more than sustain their honor—honor comes so vividly into what they do—that they would agree to do anything to get back the island of Luzon.

Mr. DAVIS:

Q. Would they keep their word?—A. Very broadly speaking, I think there would be all sorts of attempts, not from the Government, nor on account of instructions from the Government, but I think individual officials would interpret it very broadly indeed. I must say that Spaniards, speaking of the character of the Spaniards, are not loyal to their engagements, as Americans and English are; they do not think "This is very repugnant to me, I dislike this very much, but I have given my word and must live up to it;" but they look to see if there is not some way they can get out of it.

Mr. GRAY:

Q. They do not live up to the Psalmist's idea of "swearing to their own hurt and changing not?"—A. No, sir.

The CHAIRMAN:

Q. Have they not engaged to make reforms, heretofore, and not done so?—A. Yes, sir; I was going to state two remarkable examples. Gen. Martinez Campos was out in Cuba in the ten years' war which terminated in 1878. I was in Spain, and I remember the news came that the war was terminated, and flags were flying and bunting, etc., at Bilbao to celebrate the termination of the war, but later came a letter to say that it was all a humbug, and they were all laughing

about it, but finally came the news that Martinez Campos had signed the treaty of Zanjon, and it was found that he had signed an agreement which about corresponds to the system of autonomy which was granted in January of this year. He came back to Spain and became the idol of the people. He had terminated the war by this agreement, and the populace would have him go into power as prime minister. The King called Canovas, and the latter said, "You better let him go in: the higher he goes, the lower he will fall."

He went in, and the object of his going into power was of course to have carried through Parliament, or the Cortes, the treaty which he had signed, for which he thought himself responsible in a certain sense, but he was pooh poohded and laughed at. They said, "The Cubans have laid down their arms, everything is quiet; why should we do anything more; we have accomplished what we wanted." He said, "I have given my word of honor; my personal honor is affected." But they said, "Oh, you have fallen out of power, and you will never come in again. It is a very good trick. You have got each one to lay down his arms and go to his house, and now let the reforms go: never mind the engagement." They have done the same with the treaty or agreement of Biac-na-bato, made with Emilio Aguinaldo, the rebel general. They paid, of course, the first installment, which had to be paid simultaneously with the exile of Aguinaldo and the 32 rebel leaders, and which was deposited in the Shanghai bank, but they paid no more. One of the conditions was that the families and others connected with the rebellion should not be molested in any form or sense whatever; but immediately that Aguinaldo left for Hongkong the priests started to persecute those left behind, and the result was that another chief turned up—I knew his father very well—Alejandrino. He had fled, but returned, and is one of the leaders now.

Mr. GRAY:

Q. If that exodus of the friars, these priests of the monastic orders, was carried out, either voluntarily on their part or with some degree of compulsion applied to them, what disposition would be made of their holdings of land; what would become of the land?—A. What the natives, I think I may say pretty decidedly, would aspire to would be that the land should be declared to be the possession of those actually in possession as tenants to-day, holding it in rent from these corporations. It is let in parcels. They would say, "the priests are gone, let us, as we stand, hold the land," and with very little disturbance at all the man in possession holds his patch of land.

Q. They hold by a legal title now?—A. Only by a contract with the priests.

Q. I mean the monastic orders hold by a title?—A. No, sir. That is to say, I draw my information from this source—that Dr. Rizal challenged the priests to bring forward their titles. He said, "If you will exhibit your title deeds, it will be satisfactory for you and for us; I shall be satisfied, my agitation will end, the people interested roundabout will be satisfied, and you certainly will insure to yourselves tranquillity by settling this matter on the exhibition of your title deeds," and they could not do it. They would go to the length of intriguing for three or four years to bring about the execution of this Dr. Rizal rather than show their title deeds, and we can only surmise that the title deeds did not exist.

Q. How long have they been flourishing there and holding these titles, so called?—A. I can not say.

Q. It is an old business?—A. Yes, sir; very old.

Q. Would not the church claim the land?—A. It would belong to the order. For instance, the Order of Augustine Friars would be the owners in collectively of those lands; you would not be troubled by any individual claims.

Q. The church as a corporation?—A. The corporation of friars.

Q. Would not they not claim to succeed to the title by the bishop?—A. Oh, no; the corporation of the friars itself is quite distinct.

Q. Suppose they go out?—A. If all the friars go, they might as well remove their establishment.

The CHAIRMAN:

Q. The orders that now claim the title would still claim to own the lands, although their people were not there, would they not?—A. I should think not.

Q. What would become of the land then?—A. Confiscate it from the orders.

Mr. GRAY:

Q. On what ground? We have no law which will allow us to arbitrarily do so.—A. They have no title deeds, and it would not be confiscation exactly.

Q. They have a possessory title?—A. Yes, sir.

Q. Have been in possession for a hundred years or so?—A. Yes, sir; but it would be a great anomaly to have these native planters working these different patches of land and have a religious corporation claiming the lands. I would rather take the bull by the horns and say, "You clear out."

Mr. FRYE:

Q. But you could impose upon them terms?—A. Yes, sir; you could make them give leases, ninety-nine-year leases, such as we have in England, which are the nearest approaches to freeholds which we have in England. Spain is very desirous of holding the balance of the islands in the first place——

The CHAIRMAN:

Q. What do you mean by "the balance of the islands?"—A. I mean all except Luzon. In the first place, on the score of honor, dignity, etc., to show that they are not turned out entirely, and also as a refuge for the priests. I do not think that they dream that any conditions are to be put upon them. But it would be a terrible calamity for the people if the priests should repossess themselves of the islands by your generosity. It would be a terrible calamity, and to take these islands would be an extention of your policy of humanity. It would be a terrible thing to return them unconditionally to Spain.

Mr. FRYE:

Q. Any of them?—A. Any of them. I should give none of them back unconditionally, for the reasons I have already suggested.

Mr. MOORE:

Q. You stated they had a system of registration of property there in the islands, though it was very imperfect and not generally resorted to. Are these lands registered under that system, these monastic lands?—A. I can not tell you positively. A decree came out some few years ago to the effect that offices of registration of real property—real estate—were being organized, and calling upon everybody to put in the documents necessary for the registration of his estate. Upon this

a great many hurried up with their documents, but they waited so long for the processes of registration that many withdrew their papers and thought they would take their chance, and I learned from an official who is one of the principal men in this department, he said to me quite confidentially, "I can tell you that, with the present staff we have for the registration of estates, with the enormous number of formalities we have to go through with, it would take seventy years before we could get through the registration of the estates at the same rate we are now going."

Q. Is this system a recent one?—A. Only within the last twelve years.

The CHAIRMAN:

Q. It is not what we know as a registration system, where a man merely takes in his deed and leaves it for registration?—A. What they mean is, you simply put in your proofs to the possession of the estate, and you get title deeds. As we understand the registration of title deeds in England, you register your title deeds; if you want to get a loan on the security of your real estate, the man to whom you apply asks if you have registered your title deeds, and you say, "O, yes," and he says he will loan you the money, but if you say you have not registered your title, he tells you that he will have to look into the matter to make sure that another loan has not been made prior to this. I would never loan a cent on real estate in the Philippines, because I would have no knowledge as to whether the property had not had one or two or a number of loans on it previous to mine; there would be no security on it at all.

Mr. GRAY:

Q. The process there would be a sort of judicial process by which you would have your title quieted?—A. Yes, sir. The last man who signs these titles is called the "intendente" or chief "of the treasury," the man who gives the final signature.

Mr. FRYE:

Q. Do you have to keep paying every step until you get to him?—A. Oh, no; you pay at the end.

Q. There is no robbery?—A. Except to get it expedited in the shape of tips to one and another.

The CHAIRMAN:

Q. Is there any island in this group which has a good harbor and but few people, sparsely populated, large enough to have an ample harbor, like Samoa, separated from the other islands?—A. Not in Luzon.

Q. Such as the English have at Hongkong, separated from the others of the group?—A. Oh, yes; Gubat. That is in the island of Luzon. There is an Englishman living there, Mr. Collingwood.

Q. That is in the island of Luzon?—A. Yes, sir.

Q. Subig Bay is the best, is it not?—A. Yes, sir. At one time they thought of establishing a naval station there. It has been for a long time on the tapis to establish a naval station there, transferring it from Cavite, but the objection is that the land runs very abruptly down to the sea; it is very hilly, and you have no expanse of flat land running back from the bay.

Mr. FRYE:

Q. What is the land back?—A. It would be a very high level. The approach to the bay as a port would be rather difficult.

Q. Is that on the west side?—A. Yes, sir; the west coast of Luzon.

Q. Is that protected against the winds of the China Sea?—A. Yes, sir; you have only a little swell from the southwest monsoon; it is a very good port indeed.

Q. What is that bend there [indicating on map]?—A. That is Manila Bay, and that white place to the right is the lake, called the Laguna.

Q. How deep is the water in Manila Bay?—A. Any ships can anchor there.

Q. How near can they approach the shore; big ships—say, 26 feet?—A. I should say a mile from the city; the bay is well protected.

Q. Is Manila a province by itself?—A. Yes, sir.

Q. Called the Province of Manila?—A. Yes, sir.

Q. There are docks and wharves there?—A. They have started a dock, but as fast as it has been built up it has been washed out, and there is no use of the work. It was started, I think, in 1880; there is no use.

Q. Is all the commerce lightered?—A. Yes, sir; except the inter-island steamers, which have fortnightly departures. They have established a line of steamers which runs from the river every fortnight, touching every capital of every province in the islands. These steamers go everywhere, I think.

Q. That steamer goes away up in the river?—A. Yes, sir.

Q. What is the draft?—A. By jetties, sea walls, etc., you could carry it out, and then dredge the entrance, and I think steamers of pretty fair draft could go up—carry it out, say, half a mile and then dredge the entrance. Vessels drawing up to 13 feet can enter the river.

Q. Then there must be a depth of about 14 feet of water. Do you know what the tide is?—A. I think they reckon the variation at 2 feet; the rise and fall at springs may be taken at 5 feet; the tides are very irregular. There is a small slip for ships established, just ten minutes' walk from Cavite, at a place called Kankow. It is a small slip with a hauling power of 500 tons, and small ships can be repaired there.

Q. If we take Luzon alone, establish our Government there, and give the place all the freedom and comfort that we ordinarily bestow, and leave these other islands under Spanish dominion, is it not likely to provoke insurrections and revolutions in these other islands?—A. Most decidedly, unless you impose certain conditions on the Spanish. One condition alone would obviate anything very serious in the way of insurrection—that is, an absolutely free exit from the islands; no license, permit, passport, or any kind of impediment, unless there is a warrant issued for their detention from the courts.

Q. That is the most important?—A. Yes, sir.

The CHAIRMAN:

Q. You are dealing with the Spaniards. Suppose they want to keep people in their islands. You have that condition that they shall freely leave, unless some kind of judicial warrant has been properly issued which shall keep them there. Would it not be easy for them to get up some kind of procedure to detain whoever they wanted or whole groups of people?—A. I thought of that myself, and saw that they could trump up charges against individuals, but they could not do so to any great extent. Suppose whole families wanted to make a general exit, how could they possibly trump up a charge against whole families? It would be so visible to everybody.

Q. In other words, you would have free trade among the islands, and

free right to come and go, exit and entrance?—A. Yes, sir; I would say, of course, it might suit you to make a revenue port of Manila, and I presume you would open any other ports where vessels of large draft could come, to have as many entrances and exits as possible for trade if it could be found. That port in the extreme north of Luzon should be dredged and fitted for trade which now goes to Manila. It would be absurd to make vessels come down to Manila when they could come from Hongkong to Gubat and discharge.

Mr. REID:

Q. What would be the distance from that port to Hongkong?—A. I did know once——

Q. Not more than half the distance?—A. Three hundred and twenty-three miles, I think a captain of a steamer told me.

Mr. FRYE:

Q. Is there a harbor there?—A. Yes, sir; a very fair one. I have been there myself in a steamer belonging to the Smith-Goddin Company. On one occasion the captain said he had to go to Cape St. Vincent, and we were talking about the matter, and I think it was about 323 miles; something like that; only about half the distance.

Mr. GRAY:

Q. What is the distance from the little isthmus—not the great long tail, but from that little neck—to the northernmost point [Indicating on map]?—A. We can tell from the degrees, 60 miles to a degree.

Mr. FRYE:

Q. Is that on the northwest corner?—A. No, sir; about the center of the north.

The CHAIRMAN:

Q. There is talk about the number of islands being all the way from 800 to 1,500. They must count all the little islands?—A. Oh, yes.

Q. Those three groups you pointed out this morning are practically all the islands?—A. Yes, sir. Two hundred and seventy miles would appear to be the distance from north to south of the island, taking off this piece indicated.

Mr. GRAY:

Q. That is, in geographic miles; it would be a little more in statute miles, perhaps 275 to 280 miles?—A. Yes, sir.

Mr. FRYE:

Q. Is there egress for ships through these islands, anywhere a channel or strait?—A. Through the island of Luzon any channel?

Q. No, sir; a strait between the islands.—A. Yes, sir; the Strait of San Bernardino is the trading exit. Small steamers can not manage it, and for sailing ships it is dangerous; the currents are tremendous. For a steamer drawing less than 6 feet it would be very dangerous—a steamer that would run into the small creeks—or for launches. I have made particular inquiry into the navigation, because in the archipelago navigation counts very largely, and they have said to me, "Do not trust yourself in anything that draws less than 6 feet, because you are suddenly twisted and turned around here and there." It is like it is in the Straits of Messina.

Q. A big steamer could go through all right?—A. Yes, sir.

The CHAIRMAN:

Q. Is Mindora thickly populated?—A. No, sir; thinly populated, and the Spaniards hold in Mindora only three little coast towns, and—I do not know why, but they will not, most persistently, allow people to work up Mindora. A number of capitalists proposed to form a company, and they proposed to take the whole island of Mindora and indemnify the Government. They had an idea it was very valuable. But they would not allow it. From what I know, it is very valuable. My information came from a personal friend, a timber merchant who made his fortune there. I know he sent cutters to Mindora and found very fine hard wood, and as far as he could judge there was plenty of it. When I received my information from him his men were out prospecting and had found very fine wood. I have samples of it hanging in my study in London; they are on slabs hanging from strings, and I think there are 22 of the very finest hard woods on the string.

Mr. GRAY:

Q. Any mahogany?—A. None.

Mr. REID:

Q. What is the character, better than mahogany, richer in grain or color?—A. The finest is known as malave. It has rather the appearance of oak. But the bad feature about these hard woods of the Tropics is want of elasticity. Oak has a great deal of elasticity compared with these, consequently yon could not get so much resistance out of a given thickness of malave as out of the same slab of oak.

Mr. FRYE:

Q. That would not have the same effect as to finishing?—A. Oh, no, sir.

Mr. REID.

Q. Are they introduced and used anywhere now?—A. Yes sir; in China. There are two species, the dark and the light, of a wood called narro. I have seen it used. On one occasion a man had a caprice for using them, and he had a portico made of it, and it was splendid indeed—beautiful. It is curious that Europeans out there generally like the dark narro, but natives have a fancy for the light. There is a large trade with Hongkong in it.

Q. Does it resemble bird's-eye maple?—A. It is not so prettily spotted, but something of that nature, abont that tint; that yellowish tint. In the Island of Mindanao, speaking of woods, there is known to be the ironwood, an extremely hard wood. It is very, very hard indeed. Of conrse, at the same time, it has the defect of being somewhat brittle, but in substantial sizes, say in 3-inch growth, it is tremendously strong. I have a chapter on woods in my book.

Mr. FRYE.

Q. Is there not oil in those islands?—A. Only in one place has it been discovered so far; that is in the island of Cebu, on the estate known as Calumampao, belonging to an Englishman named Pickford and a Mr. Wilson, an American. I know this young Wilson very well. He is a working partner of Mr. Pickford. The estate is situated close to the town of Toledo, and called Calumampao, and on that estate was discovered oil, petroleum, and a little syndicate was formed, in which two or three persons connected with the firm of Smith, Bell & Co., and connected with the firm of McLeod & Co., of Manila, were concerned, and they were working it when I left there.

Q. Success fully?—A. It was not refined oil, quiteprimitive, but it was there and I saw it. The oil as it comes from the deposit looked like chocolate, and I saw some of it.

Mr. REID.

Q. What is the nature of the carriage-making industry in Manila?—A. It is very advanced. To keep a carriage in Manila does not signify anything socially. Everybody keeps a carriage; there is a great demand for them.

Q. They are small?—A. Yes, sir; little victorias.

Q. Well built?—A. Yes, sir.

Q. Would there be a chance for an export trade in carriages?—A. The question of freight would be a rather cumbersome thing. Singapore would be the nearest place to do anything with carriages; in Hongkong there is no such thing. I think there exist there six omnibuses which are looked upon as very wonderful, but which are very primitive, and which are only used by the Chinese. Mr. Keswick, of Jordan, Mason & Co., I think has a carriage; I have seen it once or twice, but it is a heavy sort of thing which is put away six months at a time, and only brought out when any big personage came to Hongkong. But everyone of any importance resides more or less up on the Peak. When I lived in Hongkong I lived 600 feet up, and that was very low down indeed.

Mr. FRYE:

Q. How did you go up and down?—A. By the use of coolies. I had four coolies, two in front and two behind, and they carried me in a sort of car swung on poles.

Mr. REID:

Q. Can you give the cost of those carriages?—A. You can get a nicely built carriage for $350 Mexican.

Q. A victoria?—A. Yes, sir. Something might be done with horses in Singapore.

Mr. FRYE:

Q. Do they breed horses very largely?—A. Yes, sir. They are ponies, as we call them in England. They do not come above 14 hands, but they are very sturdy little things, and a splendid race of animals, very useful indeed, quite docile, of great endurance. The China pony is a very cantankerous, bad-tempered animal, but the Manila pony is of very good temper.

Q. Large enough for cavalry?—A. Oh, yes. And there is a great field there for breeding horses. Heretofore the people have not liked to go on breeding, because as soon as any official knows that you have a good pony he will come down on you. He will meet you on the highway, and if he sees you with a good pony he will want to know if you have a license to have the pony, and if you cannot satisfy him he will take your pony away. Right on the highroad, like a highwayman. The Spaniards would almost compel you to carry every kind of document in your waistcoat pocket; it is perfectly absurd.

Q. What is that island directly south of Luzon?—A. Mindora.

Q. That is the island on which you say the Spaniards do not allow anyone to do anything?—A. Yes, sir; it is a great mystery why.

Q. A good harbor on the island?—A. No, sir; very open.

Mr. GRAY:

Q. What about the earthquakes?—A. In this century the greatest of the earthquakes which may be considered of very great importance was that in the year 1863, when, amongst other damage done, the whole of the roof of the cathedral came off and the building collapsed, and it is estimated 2,000 people were killed. It shook down also the Governor-General's residence in the same square where the cathedral was situated. It shattered it to pieces. That was in 1863, and two years ago only they started to rebuild this official palace. Since 1863 the Governor-General has resided outside of Manila, in a place called Malacanan.

Q. Have there been any earthquakes since?—A. In 1880 there was a serious earthquake, seventeen years after, and a great deal of damage was done, and all the people very much scared. All the foreigners escaped to the ships in the bay. Very serious damage was done, although there was but little loss of life. In 1882 there was a cholera epidemic, which was a very rare thing, and I suppose 20 Europeans died and about 40,000 natives, and a typhoon came after the epidemic, and the whole thing vanished in twenty-four hours.

Q. What did the typhoon do?—A. Carried off the roofs of 50 or 60 houses. Some of the corrugated iron work from the roofs was carried off into the streets, and a number of Chinamen risked their lives to get it, and one had his head cut off.

Q. Are they frequent?—A. There are more or less every year, but they are not so serious. Once every six or seven years there is one rather serious, and there is a certain amount of loss in schooners and sailing vessels and the interisland carrying trade.

Q. There are volcanoes there?—A. Yes, sir. When the volcanoes are in eruption they know there is no danger. In this lake near Manila, known as the Laguna del Bayo, there is a very pretty and famous volcano known as the one of Taal, which was in eruption when I last heard from Manila. There is a business to be done there—the export of sulphur. At one time it was permitted, but all of a sudden the Government expressly prohibited it. There is another volcano there which is very famous, and one of the finest things to be seen, with the most perfect cone to be seen. In nature it is like an enormous limpet shell, and the most perfect, on the clean cut style, and that is the volcano of Mayon, in the extreme east of the island of Luzon, in the province of Albay. That is a very fine volcano; a grand sight to see it at night. Of course the whole island is supposed to be volcanic origin, and when the volcanoes are in eruption you know there is no danger; you know that there will be no earthquakes, and they do no damage. Of course some of the natives are stupid enough to live in the immediate vicinity and occasionally get killed.

Q. When is the rainy season?—A. The middle six months of the year; the first three months and the last three months is the dry season.

Q. From April to October?—A. Yes, sir.

Q. It is rather an uncomfortable season?—A. Yes, sir; drenching rains come, frightful downpours sometimes, but everything dries so quickly.

Q. How in the other six months, from October to April?—A. Out of those six months, four months absolutely not a drop; approaching it, it shades off.

Q. Pleasant months?—A. Delightful. I would not choose any other place to live in the month of December. Anywhere in the islands is

simply delicious; a most wonderful climate; altogether it is very agreeable living, a very pretty place.

The CHAIRMAN:

Q. Suppose that the island of Luzon were taken, and we should have a stipulation for free trade, for free intercourse between the islands, and that Spain shall never alienate any of the islands to any other power, what have you left of Spanish sovereignty in any of the other islands, what is left to Spain, practically, in the islands not taken?—A. Their honor.

Q. Then, you have, practically, the islands deserted and no right to change the ownership?—A. Yes, sir.

Q. In a case of that kind, would it not be as well to take the entire property and be done with it?—A. By taking the whole of the islands, it would be a favor to Europe by setting aside all chance of rivalry.

Q. You do not seem to think it would be much of a burden?—A. No, sir; only a little more expense of administration, which I think would be covered by the islands themselves.

Mr. REID:

Q. Do you have any doubt that, with a judicious administration of the revenues of the islands, those revenues would be sufficient to cover the expenses of the islands?—A. Yes, sir.

Q. You think they would be sufficient?—A. Yes, sir.

Q. Do you think we would be able to recruit a sufficient number of native soldiers to form a garrison of sufficient defense?—A. I am in doubt about the island of Mindanao. It is a large island, and you could not think of recruiting any Mussulmans.

Q. Do you think we could recruit, exclusive of Mindanao, enough native soldiers to maintain and defend our sovereignty over the whole group?—A. Yes, sir.

Mr. FRYE:

Q. I understand Spain has not much to do with that lower island of Mindanao?—A. Oh, no.

The CHAIRMAN:

Q. What would be the effect—suppose we keep Luzon—if Spain should find it too expensive to undertake to maintain her sway and sovereignty over the rest of the islands, of the establishment of some other power there?—A. I should make strenuous efforts to keep out the Germans.

Q. Why?—A. Because Germany is just now Great Britain's very strong competitor in trade, and I think in the next generation will be the same with America. Perhaps it would be all right with this generation, or for twenty-five years, but I think Germany is, with the next generation, destined to be the great competitor.

Mr. GRAY:

Q. Do you not think any government, with Christian civilization and better government, would be better than Spain?—A. I am looking at the material——

Q. The material comes with that; if you are looking at mere trade rivalry, that is another thing.—A. I do not think Germany has shown that she is capable of governing.

The CHAIRMAN:

Q. Your idea, in short, is this: You would prevent the alienation of the rest of the group because, peradventure, Spain might alienate to

Germany?—A. Yes, sir. As to France, I always regard France as like taking a map, and it is practically blotted out commercially. It prevents others coming in, but there is nothing to be got out of it. Metaphorically speaking, it is simply blotting out that portion of the map. France does not develop anything; there is no development of any kind, and there is nothing to fear from France in competition of any kind, now or in the future, that I can see. May I make an observation? The name of Japan has been brought up. It is, of course, quite out of the question, because it is a pagan nation. The natives have been brought up as Christians, and I am sure it would be opposed to the popular opinion in Europe, and in America, I should think. That excludes Japan, in my opinion.

Mr. FRYE:

Q. Do you not think Japan will improve in that direction as she has in others?—A. I do not think so.

STATEMENT OF COMMANDER R. B. BRADFORD, U. S. N., OCTOBER 14, 1898, BEFORE THE UNITED STATES PEACE COMMISSION AT PARIS.

Examination by the CHAIRMAN:

Q. Will you please state your name, residence, and position in the United States Navy?—A. R. B. Bradford, commander, United States Navy, Chief Bureau of Equipment, Navy Department, Washington, D. C.

Q. How long have you been in the naval service of the United States?—A. Since 1861.

Q. State briefly in what positions and capacities.—A. I have performed service in all the subordinate grades of the Navy, including command afloat and at various stations on shore.

Q. In the course of your duties have you had occasion to visit the group of islands known as the Philippine Islands?—A. I have visited Manila on three different occasions. I have never visited any of the islands other than Luzon, except the coast along their shores.

Q. When were you at Manila?—A. I was there first in 1867, again in 1868, and again in 1869; not since.

Q. Have you had any occasion recently to investigate the situation on these islands?—A. During the past two months I have made a study of the islands and their value as colonies of the United States.

Q. State briefly what sources of information, other than your own visits there, you have had access to and had occasion to examine.—A. All the publications on the subject I could find, particularly those bearing on maritime and naval matters, coal to be found, and harbors suitable for coaling and naval stations, and as bases for naval operations.

Q. Will you state what islands or places in your judgment are suited for naval bases, harbors, etc.?—A. I think the entire group would be a very valuable acquisition for naval and commercial purposes. The group is composed of over 400 islands, excluding rocks and islands not inhabited. These islands are so crowded together that anyone would in time of war require a large force for its defense, if the neighboring islands were in possession of an enemy. It would be less difficult to defend the entire group under such circumstances than a single island. In case a division of the islands is made, those, in my opinion, of the most value from a strategic point of view are Luzon, Mindoro, the Calamianes group, Palawan, and Balabac. These command all the entrances to the China Sea from the north end of Luzon to Borneo. The best harbors for coaling stations are the following, mentioned in order of their relative importance so far as known:

1. Manila, or Cavite, island of Luzon, latitude 14° 29′ north, longitude 120° 55′ east; Subig Bay, island of Luzon, latitude 14° 46′ north, longitude 120° 13′ east, might be taken as an alternative.

2. Malampaya Sound, island of Palawan, latitude 10° 53′ north, longitude 122° 35′ east.

3. Iloilo, island of Panay, latitude 10° 42′ north, longitude 122° 35′ east.

4. Cebu, island of Cebu, latitude 10° 18′ north, longitude 123° 54′ east.

5. Pollok (or Polak), island of Mindanao, latitude 7° 21′ north longitude 124° 13′ east.

There are many harbors in the Philippine group. Some of them, upon examination and survey, might prove more valuable than some of those mentioned above. It should be borne in mind that portions of the group are not well surveyed. There are almost numberless anchorages sufficiently sheltered for the transfer of coal from one vessel to another.

So far as I can ascertain, coal is found in almost all of the large islands of the Philippine group. Its presence in the islands of Negros and Cebu has been known for a long time. Considerable quantities have been mined in Cebu, and coal mining there only ceased because of the difficulties of transportation, the latter rendering it unprofitable. The German naval commander in chief reported to his Government during the present year that the Cebu coal was of good quality. The London Board of Trade Journal for May, 1898, states that the Cebu coal is superior to the Japanese coal and slightly inferior to the Australian. Coal is found in the northern and southern parts of Luzon; also in Masbate and Batan. It is thought to exist in Samar and Mindanao. A few years ago the American ship *Richard Parsons* was wrecked on the west coast of Mindoro. Her master, Captain Joy, of Nantucket, Mass., was obliged to cross the island with his crew to obtain passage to Manila. While doing so he discovered immense outcroppings of coal in the interior mountainous regions of the island. The Spanish Government, upon learning of this discovery, confiscated the lands, but nothing has ever been done toward developing this great discovery. The coal mines of the island of Batan, near the Straits of San Bernardino, are now being worked by Messrs. Gil Hermanos, of the island of Catanduans. The island of Palawan, on account of its proximity and similarity to North Borneo, where large amounts of coal are found, probably contains coal.

Q. Where do you get this information that there is coal in these various islands?—A. From data compiled in the Office of Naval Intelligence. In connection with the subject of coal, I desire to call attention to the fact that the Philippine Islands are on the range and midway between the great coal-producing islands of Formosa and Borneo. It is therefore natural to expect coal to be found in this group.

Mr. GRAY:

Q. Formosa to the north and Borneo to the south?—A. Yes. The geological characteristics of the Philippine Islands also indicate the presence of coal. I do not think that any positive statements can be made as to the quality of the coal in these islands until shafts are sunk and a thorough investigation made below the surface croppings. We do know, however, that it is used at present by coasting steamers, sometimes by itself alone and sometimes by mixing it with a better quality, such as Cardiff.

Not all the coal used in the Philippine Islands, however, is mined there, considerable amounts being imported. Coal is mined in quan-

tities in the north end of Borneo, and also on the British island of Labuan. The latter is of a good quality and supplied for steaming purposes to British men-of-war and mail steamers. It is sold for about $4.50 a ton. This coaling station has recently been established and is becoming important. I think we may believe, judging from the doctrine of probabilities, that good coal will eventually be found in the Philippine Islands. I may mention that all of the important coal deposits of the world, so far as known at present, with the exception of those in the Philippines, are in the possession of either the United States, Great Britain, or Japan. While on the subject of coal, I desire to add that it is the duty of the Bureau of Equipment of the Navy Department to supply coal for naval purposes. As the chief of that bureau, I have been much impressed during the recent war with the necessity of acquiring coaling stations all over the world. I do not suppose any arguments are necessary to impress this fact upon the commission, but I will say that if the Hawaiian Islands had not been treated from the first as American territory, so far as using them as a coaling station is concerned, the operations undertaken at Manila would not have been successful.

The necessity for coal at Honolulu was foreseen and a large amount collected there. The first three squadrons of troop ships en route to Manila were supplied with coal from that in store for the Navy. There was no other coal at Honolulu. Admiral Dewey, as soon as war was declared, was, of course, without a base of supplies, without coal, and without even a harbor of refuge. He had been authorized, before war was declared, to purchase two large steamers and to fill them with coal. He took these with him to Manila. Had he been defeated, he would have been obliged to abandon the Asiatic station. With the coal in the two steamers, had they remained in his possession, he probably could have reached Hawaii, but not San Francisco. I am positive, if this country is to possess any colonies, however insignificant, in the vicinity of the China Sea, that coaling stations are absolutely necessary in the Pacific along the route of communication from our coast.

I do not think that the facilities afforded by the Ladrone Islands are sufficient for this purpose. It should be remembered that the Ladrone group of islands run north and south, and therefore practically afford but one port of call between Hawaii and the Philippines; in fact, there is but one harbor in this group, San Luis d'Apra, on the island of Guam, which is of much value. The Caroline Islands, including the Pelews, running east and west, and covering a distance of about 2,000 miles, are on the southern flank of the direct route to the Philippines. They possess many excellent harbors which will serve admirably as coaling stations and harbors of refuge. In the hands of an enemy they would offer a serious menace to the line of communication between the Pacific coast and the Philippines. It so happens that the extreme eastern and the extreme western islands of the Caroline group possess excellent harbors.

Q. Will you name those islands?—A. The extreme eastern island is Ualan or Kusaie, and Yap is the extreme western, not counting the Pelew group. Between these is the important island of Ponapi, already recognized as a valuable port of call. The Pelew group is sometimes considered as part of the Carolines.

Q. How far are the Carolines from the Ladrones, as to their relative position?—A. There [indicating on a chart] are the Carolines; here the Ladrones. The latter run north and south; the Carolines east

and west. Here are the Marshall Islands, under German control, directly to the eastward of the Carolines. They are not so important as the Carolines, because their harbors are not so good. The Marshall Islands are almost wholly of coral formation and afford but little vegetation.

The CHAIRMAN:

Q. Where are the Philippine Islands?—A. West of the Ladrones.

Mr. GRAY:

Q. North of the equator?—A. Yes. The Philippines extend from latitude 4° 45′ north to latitude 21° 30′ north.

Q. Have you a map showing the American and Asiatic shores, both?—A. Yes; here it is. There are the Ladrones; here the Carolines; there the Marshalls; here are the Hawaiian Islands, and there are the Philippines.

Mr. DAVIS:

Q. How far north of the Ladrones are the Carolines?—A. The Carolines are south of the Ladrones.

Q. Just turn the question round.—A. The island of Guam, the extreme southernmost of the Ladrones, is almost directly north of the island of Wolea of the Caroline group and a little less than 300 miles from it. Wolea has a good harbor and is inhabited. Guam is in latitude 13° 15′ north, and the Northern Carolines are between latitude 9° north and latitude 10° north.

The CHAIRMAN:

Q. Then, if we understand you, you do not think the island in the Ladrones, assuming it to be Guam, the southern island, is sufficient for a coaling station between Hawaii and the Philippines?—A. I do not. Guam has the advantage of being farther north, and therefore more on the direct route from Hawaii to the Philippines than the Carolines, but it has not a very good harbor.

Q. It is more in the direct line from the Hawaiian group to the Philippines than any one of the Carolines?—A. Yes; it has that advantage.

Q. You would not expect to go from the Ladrones to the Carolines, on the way to the Philippines, would you?—A. No; I should not.

Q. Then what is the disadvantage in not having one or more of the Carolines, from our point of view?—A. The Carolines possess better harbors; they are on several highways of commerce; they are uncomfortably near the Ladrones, and they extend east and west along the route between the Pacific coast and the China Sea nearly 2,000 miles, affording numerous coaling stations and harbors of refuge.

Mr. REID:

Q. That is, in the hands of another nation they would be troublesome or disagreeable?—A. They might be. Here are the Pelews [indicating on a chart] about 600 miles from the Philippines. I am firmly convinced that the Pelews, Carolines, and Ladrones should all be acquired if we are to possess any territory near the China Sea.

The CHAIRMAN:

Q. If the United States could have one of the Carolines, which one would you designate as the one best suited for our purposes?—A. Ponapi.

Q. Where is that?—A. It is about 300 miles west of Ualan, in latitude 7° north and longitude 158° 20′ east.

Mr. REID:

Q. It is the largest, is it not?—A. No; not the largest, but it has some very good harbors, is high and well watered and well wooded. Ualan, or Kusaie, the headquarters of the American missions, has also good harbors, and is similar in its characteristics to Ponapi. Yap, the extreme western island, excepting the Pelews, has good harbors, and is valuable. It is the seat of government for the western Carolines. Ponapi is the seat of government for the eastern Carolines. Truk Islands are the largest group of the Carolines and the most densely populated. This small group has about 10,000 inhabitants.

The CHAIRMAN:

Q. Yap is more in the line of travel to the Philippines than any of the others of these islands?—A. No; I do not think it is. It is only on the route between the Fiji Islands and the North China Sea. Here is a chart showing the usual routes of full-powered steamers. Upon examination it appears that Ponapi is more directly on the commercial routes traversed by steamers than any island of the Caroline group. Guam and Ponapi are both on the route from the Samoan Islands to the north end of Luzon.

Q. We have a place in Samoa?—A. We hope to have a coaling station there soon. In conjunction with Great Britain and Germany we exercise a protectorate over the Samoan Islands. This is the only claim we have to the vast territory known as the Polynesian Islands.

Mr. GRAY:

Q. Is not the great-circle route the shortest from the Pacific coast to the Philippines?—A. Yes. It is 6,300 miles from San Francisco to the Philippines by the great-circle route, and 7,000 miles via Hawaii and Guam.

The CHAIRMAN:

Q. We hold the Aleutian Islands?—A. Yes. Unalaska is the best coaling station there.

Mr. FRYE:

Q. Any harbor there?—A. Yes; Dutch Harbor, a fairly good one. The great circle-route from San Francisco to the China Sea and its neighboring islands is not often used, because of fogs near the Aleutian Islands in summer and heavy gales during the winter. The regular trans-Pacific steamers avoid the Aleutian Islands for these reasons. The presence of fog also makes it difficult to enter the harbors of the Aleutian Islands. This colored map of the Pacific islands is very instructive. The land colored red and all islands under whose names a red line is drawn belong to Great Britain; yellow indicates German possessions; and blue, French. Islands too small to color, belonging to Germany and France, have their ownership indicated by finely engraved names.

Q. What is the green?—A. The green islands are those that were independent when the map was constructed, or over which a joint protectorate is exercised. Of the former, the Hawaiian Islands, now belonging to the United States, is the only example. Of the latter, the Samoan group, under the joint protection of the United States, Great Britain, and Germany; the New Hebrides, under the joint protection of Great Britain and France; and the Tonga, or Friendly,

Islands, under the joint protection of Great Britain and Germany, are examples. Attention is called to the fact that there is nothing in all Polynesia remaining for any nation to acquire. Although the United States, by exploration, survey and discovery, and by the work of her missionaries, has been interested in these islands in the past, her only claims now remaining to any is a joint interest in the Samoan group. England has made herself mistress of the seas and grown very rich by her colonial enterprise, and other countries are profiting by her example. Even little Holland has colonies with 30,000,000 of inhabitants which yearly export products to the value of $125,000,000 to $150,000,000.

Q. You spoke of one selection, Luzon and Palawan. What other propositions did you find with regard to other coaling stations? Suppose Luzon alone, what is the difficulty?—A. I do not know that I quite understand you. You mean, which is the best coaling station in the entire group?

Q. Yes, sir.—A. Manila, probably, though Malampaya Sound, island of Palawan, is exceedingly valuable as a site for a naval station.

Q. And, as I understand you, the only trouble about Manila is the closeness of the neighbors; that the other islands might be in some other hands?—A. Yes, sir. The harbor of Manila, without the island of Luzon, would be a source of weakness rather than strength.

Q. What is the difficulty about taking Luzon alone?—A. The proximity of the other islands of the Philippine group. There are over 400 islands in the group, crowded together. A cannon shot can be fired from one to another in many instances. To illustrate, we have the Hawaiian Islands. Suppose we had but one, and the others were possessed of excellent harbors, coal mines, valuable products, and minerals; suppose also the others were in the hands of a commercial rival, with a different form of government and not over friendly. Under these circumstances we should lose all the advantages of isolation.

Mr. DAVIS:

Q. Would not you thereby build up commercial rivals all over the archipelago?—A. I should suppose so. I have been speaking mainly from a military point of view. Speaking from a commercial point, I believe the Philippine Islands are capable of great development and valuable trade. They possess about 8,000,000 inhabitants, and are rich in products. There is not one which does not produce something we need. After Great Britain we are the largest importers from these islands. Their mineral wealth is unknown, but we do know that there are valuable minerals in these islands.

The CHAIRMAN:

Q. From your point of view as a naval expert, what is the objection to the division you have indicated there, taking in Luzon, Mindoro, Palawan, and the islands between Mindoro and Palawan?—A. I think it a fairly good division, if a division must be made. This division is much more valuable than Luzon alone. I do not advocate taking a part, however.

Q. What is your objection to taking that part?—A. The difficulties of defense, which I have already alluded to, and the fact that a whole loaf is better than half a loaf.

Q. That is, if one has a chance to take more, he better do it?—A. Yes. All of these islands are very valuable.

Q. From a military point of view, would you not be well protected from the rest of the group?—A. Only fairly so. The straits and channels between the different islands are in many cases very narrow.

Q. If you had the four islands, following the red line and to the left thereof as we face the map?—A. Yes.

Q. Would you not then be fairly well separated, in a naval and military point of view, from the rest of the group, and have a controlling situation in that part of the ocean?—A. Yes; fairly so.

Q. Is it not a fact that Mindoro, Palawan, and Busuanga are sparsely populated islands?—A. They are.

Q. Is it not a fact that, with relation to the China Sea, Palawan is the best of the islands?—A. I think it is.

Q. Do you think vessels can get in there of large draft, on the west coast?—A. The harbors of Palawan?

Q. Yes, sir.—A. Yes, sir; without doubt.

Q. How many harbors on the west coast?—A. There are five bays with good anchorages at any time or with any wind. There are about 10 other anchorages, good with certain prevailing winds only. Steamers that can weigh and go to sea in case of bad weather can anchor almost anywhere off the coast. The bottom is almost universally mud, affording excellent holding ground.

Q. Name them please; indicate by degrees.—A. The five first mentioned are as follows, commencing to the southward:

1. Eran Bay, latitude 9° 5′ north, longitude 117° 38′ east.
2. Tebeyu Bay, latitude 9° 17′ north, longitude 117° 58′ east.
3. Ulugan Bay or Banog, latitude 10° 6′ north, longitude 118° 46′ east.
4. Port Barton, latitude 10° 29′ north, longitude 119° 5′ east.
5. Malampaya Sound, latitude 10° 53′ north, longitude 119° 23′ east.

The last mentioned presents one of the most valuable sites for a naval station of any harbor of which I have any knowledge. In this respect it is sufficiently valuable to excite the cupidity of any nation. It is 19 miles deep, with a width of from 2 to 4 miles. The entrance is six-tenths of a mile wide, and between bold and high headlands. It has been aptly named "Blockade Strait." The sound is divided into parts of about equal depth. The channel to the inner section passes between islands commanding the approaches and affording the most perfect means of defense. Within is a broad sheet of water from 6 to 10 fathoms deep, affording excellent anchorage and good holding ground. On this inner sound are the Spanish settlements Paukal and Baulae. The entire sound is surrounded by high lands, is well wooded, and affords an abundance of good water. It is the best place for supplies on the western coast. The Malampaya River empties into the inner sound. Boats can ascend this river 2 miles, from which point a good footpath leads to the eastern shore, a distance of 2 miles. In this respect it is like Ulugan Bay, which is said to be 3 miles from the eastern shore, with a good road the entire distance.

Mr. GRAY:

Q. Three miles from the eastern shore?—A. Yes; one authority gives it 3, and another 5. The chart makes it 5.

Mr. DAVIS:

Q. Any harbor on the eastern shore?—A. An anchorage, but not a harbor. There is an excellent harbor, known as Port Royalist, about 15 miles south of this anchorage. It has a small arsenal, a slip, and a harbor light. Spanish gunboats have generally been stationed there.

Mr. GRAY:

Q. Is it not a fact that the eastern shore is more approachable than the western shore?—A. Both shores are more or less fringed with shoals, rocks, and islets, making navigation with the present charts dangerous in places. These dangers generally extend farther to seaward on the west shore than on the east. The Philippine Islands are not well surveyed, and it is unknown dangers that are most feared.

The CHAIRMAN:

Q. You have not any personal acquaintance with the character of the inhabitants of what is known as the Vizcayas group, between Luzon and Mindanao?—A. No, sir.

Q. Nor with the inhabitants of Mindanao and the Zulu group?—A. No, sir.

Q. The possible division proposed would give the United States the western part of the group according to your line. Can you state how that would divide the group with reference to population? You have then Luzon, Mindoro, Palawan, etc.—A. Practically it is the population of Luzon, which, according to the latest estimate, is about 3,000,000. Mindoro has about 40,000, the Calamianes group about 12,000, and Palawan about 15,000.

Q. A little more than the population of Luzon?—A. Yes, sir.

Q. By that division you would have control, practically, of the China Sea side of the group?—A. Yes, sir.

Mr. FRY:

Q. Do you understand that Germany is trying to get Palawan?—A. Yes, sir.

Mr. GRAY:

Q. How do you know that Germany is trying to get it?—A. It has been so reported by the press for years; their cruisers frequent the islands and their engineers have explored them.

Q. How have they been trying to get it?—A. By purchase, I presume, but of this I have no knowledge.

Mr. REID:

Q. Would that division which you have indicated there remove your objection to the dangerous proximity of the other islands if in unfriendly hands?—A. No, sir; the division was made with a view to taking as little as possible in addition to Luzon, and at the same time maintaining control of a fairly good strategic line of outposts.

Q. You would consider that the least evil, on a division of the group?—A. I do.

Q. But as not removing the evil, from a military point of view?—A. Precisely.

The CHAIRMAN:

Q. Still, you recognize the point that sometimes you have to submit to dangerous neighbors?—A. Possibly. I am only advocating it be avoided, if feasible.

Q. Suppose you take the group, would you not have Borneo for a neighbor?—A. But north Borneo is English and the balance Dutch.

Mr. REID:

Q. When you have the option as to whether you will expose yourself to bad neighbors or not, do you think it the part of wisdom to abandon that option?—A. I do not.

Mr. GRAY:

Q. Do you not think we would rid ourselves of the possiblility of bad neighbors by keeping out of there altogether?—A. I will answer that question——

Q. Will you not answer it directly, first, please?—A. Will you please repeat it?

Q. I ask you if we would not rid ourselves of bad neighbors by keeping out of there altogether?—A. Yes, sir; I would like to qualify that reply by saying it is my belief, if we are going to be a commercial or naval people, that it is absolutely necessary to have coaling stations and colonies the world over.

Mr. DAVIS:

Q. If we should leave them in the possession of Spain we would have a very bad neighbor there?—A. Most assuredly.

The CHAIRMAN:

Q. How much more of a military establishment will it require to occupy and maintain the supremacy of the United States in the entire group than in the group to the west of the line you have drawn?—A. None, whatever.

Q. How do you make that out?—A. Because there is an element of safety in possessing the entire group which is not obtained by possessing only part of it. There is also an element of great uncertainty as to the disposition of the balance which can not be lost sight of.

Q. That would also depend somewhat, would it not, on the character and submissiveness of the inhabitants of the islands?—A. Naturally; but I do not believe there are any people anywhere in the Philippines more difficult to civilize than the North American Indians. We have civilized them. I think the enterprise of our people sufficiently great to civilize and settle the Philippine Islands and make them very valuable colonies; not only paying for their government, but providing a revenue; not immediately, perhaps, but before long. They are the richest colonies possessed by Spain.

Q. That is rather an expression of hope than any statement you can make from personal knowledge?—A. Certainly. I am only giving my opinion, but it is based on the experience of other countries. It appears to me that Great Britain has made herself powerful and rich by her colonial enterprise. This is recognized by the Germans, by the French, and by the Dutch. The latter are now trying to follow in the footsteps of Great Britain, and with some success. If these countries possess all the island territory of the world, their governments will be able to discriminate against the introduction of the manufactures and against the commerce of our country. This I believe to be their object.

Mr. GRAY:

Q. Whose object?—A. The object of the countries which are annexing the island territory of the world and dividing up the coast of China.

Q. You will have to except Great Britain, so far as her policy is developed.—A. It is not difficult for a nation possessing colonies to discriminate by means of duties and port charges.

Q. The ports of Great Britain are free—— —A. Her home ports are free to most goods, but how about Canada and other colonies? Are they free to our goods and our fisherman?

The CHAIRMAN:

Q. You answered the question as to a military establishment. In your judgment, how much more naval establishment would it require to maintain ourselves in the entire group than in the part to the west?—A. I included both in my answer. I inferred that you included both the Army and Navy in your question, and I had particular reference to both in my reply.

Q. Have you any means of forming a judgment as to how large an army would have to be maintained?—A. Only by reference to the army that has been maintained by Spain, which, so far as Europeans are concerned, has been very small.

Q. How large a naval squadron would it be necessary to have in and about there?—A. The present squadron, the usual Asiatic Squadron, could take care of the Philippines. Probably some small coast guard and revenue vessels would be required in addition.

Mr. GRAY:

Q. Would the present naval squadron be adequate if we were at war with Germany, in regard to Luzon?—A. It is impossible to answer that question, because it would depend upon the movement of German ships. If they went to the East, we would have to send more ships there; if they came to the West Indies, we would have to meet them there. In considering such a question, available coaling stations, both for the Germans and ourselves, are of the first and greatest importance.

The CHAIRMAN:

Q. You base your opinions upon the belief that these islands will readily submit to the control of the United States Government, and that there would be no great expenditure required for either naval or military force to subdue the islands to the United States?—A. Somewhat. I think the islands can be subdued, if there is any serious trouble, by a blockade. The inhabitants are entirely dependent upon the coast for their supplies and for a market. They are a pleasure-loving people, and would not care to submit long to the inconvenience of a war under these circumstances. It has been their custom to produce a few articles, such as hemp, sugar, and tobacco, for the general market, and with the proceeds of their sale to purchase all necessary commodities. They are not a manufacturing people, nor do they possess the means of carrying on war any length of time.

Q. Do you not think a commercial station in those islands is much more valuable to the United States, with a view to its trade in China and Japan and other parts of that sea, than it is with reference to any trade with the islands themselves?—A. I think a commercial station at the Philippines valuable for that purpose. How valuable depends largely upon our influence in China. The balance of trade there has been against us. Foreign powers seem to be at present in control of Chinese affairs, and if they are able to discriminate against us, our trade may not be valuable.

Q. If the United States is to have a hand in the Chinese trade, our location in Manila and Luzon would be very valuable in that direction?—A. Very, indeed.

Q. And probably much more valuable than any interisland trade would be?—A. It ought to be. It would be fatal to profit if our trade with China was obliged to pass through foreign hands.

Q. Have you any means of estimating the value of these islands;

and if so, will you give us an estimate, supposing they were to be acquired by purchase?—A. No, sir; I have none.

Q. You mean you could not form any estimate?—A. I do not think I could.

Q. You might form an estimate, possibly?—A. I can only state that which you already know, viz, the price paid for Alaska and that asked for the Dutch islands in the West Indies.

Q. Suppose, to put it another way, you were taking this group of islands as a war indemnity, could you form an estimate as to how much you were getting?—A. It is a subject I have not studied. I did not expect to be asked to give an opinion on such matters, and I should prefer not to do so until I can study the question. I will say, I think them extremely valuable, both from a commercial and from a military point of view.

Mr. REID:

Q. If our Government once thought Cuba worth an offer of $100,000,000, what would you think the Philippine Archipelago worth?—A. Double that.

Mr. FRYE:

Q. Have you stated what, in your opinion, ought to be done relative to these positions in the East and in the Pacific from investigations which you have made?—A. I think that the entire Philippine group of islands, the Carolines, including the Pelews, and the Ladrones should be annexed to the United States.

The CHAIRMAN:

Q. Annexed by what means; taken forcibly?—A. Yes, primarily; and if they can not be fairly taken, then purchased. I would like to say that the Carolines and Ladrones are mere dependencies of the Philippines, and it is so stated in the Blue Book of the Captain-General of the latter.

Q. That is, they had the same captain-general, but different local governors?—A. Yes.

Q. How far are the Philippines from the Carolines?—A. The Pelews, generally included in the Caroline group, are about 600 miles from the Philippines. The Caroline group, including the Pelews, extends about 2,000 miles east and west; the Ladrones about 540 miles north and south. Relatively, the Carolines and Ladrones form an inverted T. It is about 180 miles from the westernmost Caroline proper to the Pelews and 220 miles from Yap to the Pelews. Yap is about 750 miles from the Philippines.

Q. How far is Guam from Manila?—A. Guam is about 2,575 miles from San Bernardino Strait.

Q. How far to the Carolines? You say about 600 miles—— A. From Guam to the Carolines?

Q. Yes, sir.—A. Guam is a little less than 300 miles north of Wolea, one of the Caroline group.

Q. What are the objections, in your judgment, to taking Luzon alone, leaving off now the three lower islands of your western group?—A. From a military point of view or from a commercial point of view, or both?

Q. Cover both points, if you will.—A. It is difficult to foresee what would happen should the Philippine Islands be divided after having always been under a single government. It is certain, however, that trade and commerce would seek new channels, and if Luzon were

detached from the other islands, Manila would no longer be the commercial center of the group. The islands of the entire group are so closely connected that it is almost impossible to separate them in any scheme for an offensive or defensive war. There is no possible isolation with Luzon alone, nor would it be practicable to prevent smuggling. Luzon would be open to attack from almost every direction; control over important strategic points in its immediate vicinity would be lost; control over contiguous waters would be lost; ports of refuge near by would be lost; coal, teak and other valuable timber, and hemp produced in the south would be lost, and the opportunity to intercept a possible enemy passing through various straits extending from Luzon to Borneo would be sacrificed. We would also lose the richest and most productive islands of the entire group, particularly with reference to the hemp-producing districts.

Q. Where are they?—A. In Samar, Leyte, Cebu, and Bohol.

Q Is there any good harbor near to Luzon, in the Vizcaya group to the south of Luzon?—A. Yes; several in the islands of Samar, Leyte, Panay, and Masbate. The latter, very near to Luzon, is celebrated for its good harbors. Vessels can anchor in many of the sounds between the islands, and I estimate there are not less than 100 regular harbors in the group. Cebu and Iloilo are the largest commercial harbors outside of Manila.

Q. A considerable distance south of the extremity of Luzon?—A. They are about 135 and 160 miles respectively from the island of Luzon. The best harbor near Manila is Subig Bay.

Q. On the island of Luzon?—A. Yes, sir; I do not know as I fully understand your question.

Q. Suppose the United States was looking for a naval station and base of operations, and no more. What place would be the best, in your judgment, to take in the group?—A. Manila, probably.

Q. Then you would have the entire surroundings in the hands of somebody else?—A. I am in favor of selecting Manila because there is already a navy-yard there, a slip, and other facilities for repairing and building ships. There are also skilled workmen and other labor in abundance. Manila being a commercial port, I should expect a naval station might be maintained there without expense to the General Government. If a port without trade or many inhabitants be selected, I should expect a naval station would be a constant and considerable expense to the Government. In the event of the latter course, I would recommend Malampaya Sound, island of Palawan. I do not advocate taking any port without at least the island in which it is located.

Q. Do you think the group, or the group divided, taking the western part of your possible division, would be self-sustaining?—A. I think the entire group would.

Q. Taking the western group, do you think that would be self-sustaining?—A. It would under present conditions; but should the remaining islands fall into the hands of some other power, able to divert the trade from Manila, it might not.

Q. Manila might be very much improved if the Chinese and Japanese trade of the United States should be developed with that as a base?—A. I should think so.

Q. You think Formosa is valuable to Japan?—A. I do. I know the coal obtained there is of fair quality and the products are valuable. The soil is fertile, produces excellent tea, and I think the Japanese will soon have it under a high state of cultivation.

Q. Have you been there since Japan acquired it?—A. No, sir.

Q. Do you know from the Japanese reports that it costs more than it amounts to, from the hostility of the natives?—A. The natives at the south end of Formosa are untamed and fierce savages. The Japanese have much to contend with, no doubt, but they do not appear to be stopping colonial progress on that account.

Mr. FRYE:

Q. If we should adopt your line of demarcation, what do you think Spain would do with the balance of those islands?—A. Sell them to Germany.

Q. Is not Germany about as troublesome a neighbor as we could get?—A. The most so, in my opinion. I think it probable that the balance of the Spanish possessions in the Pacific not acquired by us will go to Germany. Germany has long desired to possess the Carolines, and she hoisted her flag at Yap in 1886. Our missionaries have been in the Caroline Islands for fifty years, and all that has been done to educate and civilize the natives there has been done by American missionaries.

Q. They are still there?—A. Yes, sir.

Q. The *Morning Star* makes its trips?—A. I believe so. Much of our knowledge of the harbors of these islands has been acquired from her voyages.

Q. That vessel is not permitted to go to Ponape?—A. I understand that the Spanish have excluded the missionaries and their vessel from the islands of Yap and Ponape, where the Spanish governors reside.

Q. We have captured the entire Philippine Islands, have we not?—A. Practically; we have captured their capital.

Q. Well, if there had been no armistice could we not have taken the whole group?—A. Yes, sir; I believe so, with little loss or expense.

Q. Would you, as a naval officer and as interested also in the development of the commerce of the United States, be content, reasonably content, with the division you made in your red line?—A. No; I do not think I would. The red lines were drawn for the purpose of showing what we should by no means omit, rather than to indicate what islands we should annex.

The CHAIRMAN:

Q. Put the question a little differently. We started to free the island of Cuba, which, say, we have accomplished. That was the purpose of the war. We hold Porto Rico and the other islands in the West Indies and the Ladrones as an indemnity in lieu of money. The only people of the Philippines with whom we have come in contact and to whom we owe an obligation because of supposed or actual cooperation or change of their situation are the inhabitants of the island of Luzon, where the insurrection has been carried forward at the same time, at least with our own military operations, so that, strictly, our obligation of cooperation is limited to that island. Now, if we add to Porto Rico, the islands in the West Indies, our possible and even probable interest in Cuba, the islands from Luzon down to Borneo to the west of your line of possible division, would you not think we had made a pretty fair, reasonable, and just settlement of the matters growing out of this war?—A. From a commercial point of view?

Q. From an international point of view, as a great and generous nation.—A. Am I to understand that your question refers to an

exchange of values in connection with the cost of the war and a suitable recompense therefor?

Q. Yes, sir; take it that way, if you wish.—A. I answer in the affirmative. I would like, however, to add something, with your permission, in connection with the Philippines which I think you have omitted. It is the moral aspect of the case. If we take a portion of the islands only, are we not open to the accusation of taking the best and leaving the poorest? Have we a moral right to make a selection? We have driven the Spanish Government out of the Philippines; there is no Spanish authority there now, or practically none. Are we going to take what we want and leave the remainder in a state of anarchy? I believe we have incurred a moral obligation to take all of the islands, govern them, civilize the natives, and do the best we can with them.

Another consideration. We were driven into this war. A war with Spain over Cuba has been foreseen for years. We did not want it, the sentiment of the people was against it, and we are not responsible for the results. We went into it against our will, and we made as good fight as we could. The result is we have practically taken those islands, and we ought to keep them. Of course, I am interested, primarily, from a military point of view, on account of my profession. I drew those lines, and they are original with me, to preserve so far as possible the military advantages which we had won, fearing that Luzon alone would be taken. I made commercial obligations and moral obligations entirely secondary, but I recognize that they exist, and so do the people of our country.

Q. What foundation have you for saying the islands other than the island of Luzon are in the military possession of the United States?—A. Simply because we have captured the seat of government and practically all of the Spanish forces.

Q. Have you any doubt of the ability of the Spanish to maintain their government in the Vizcayas?—A. The greatest doubt. There is no question in my mind that they are not doing it. Spain has no colonial authority to-day; she has no navy; and she is a bankrupt nation.

Q. What do you know of the disposition of the natives beyond Luzon?—A. Only what I read.

Q. Do you know that this insurrection is confined to the island of Luzon?—A. No, sir.

Q. It has been?—A. The Spanish have never had full control of the southern islands of the group.

Q. No one has ever had control of Mindanao and the other islands except the Mohammedan natives there; they have never submitted to any civilized government?—A. The Spaniards have suppressed piracy in the Sulu Sea.

Q. But the natives have never submitted to the Spaniards?—A. No, sir; I believe not, outside of certain fortified towns.

Q. What I want to get at is on what you predicate your opinion of our moral obligation, after we have done what we think is necessary to be done?—A. On the same ground that we interfered in Cuba. It is missionary work for some civilized nation, and a great deal of similar work has been done in Polynesia; moral obligations are not controlled by distance.

Q. Such cultivation has been for the commercial advantage of the nation, as a rule?—A. Yes, probably a combination of missionary work and self-interest.

Q. It comes to this, if I understand you, that, looking at it purely

as a commercial indemnity, the cost of the war would be indemnified by the portion of the group indicated and what we have taken in the West Indies, if it is to be taken by the United States, but you think there is a moral obligation on our part to take the rest of the group as well?—A. Yes; also a commercial advantage and an increased military advantage. I do not wish to be understood as saying that I think the Spanish islands west of the red line are as strong, from a military standpoint, as the entire Philippine group.

Mr. REID:

Q. In reckoning the indemnity, do you include Cuba?—A. I did.

The CHAIRMAN:

Q. Your idea is that the United States should have a strong hand in the future of Cuba?—A. Yes, sir, by all means. Self-defense requires it.

Q. If we were not in the Philippines, were not taken there by the power of war, and they had a government to-day to apply for annexation to the United States, you think it would be a valuable acquisition to the United States?—A. Yes, sir, I do. In reaching this conclusion I am much influenced by the recent action of Great Britain, Germany, and Russia in China. It seems to me that they are parceling out the coast of China, and we should be in it, or as near it as possible.

Q. Do you think to be "in it" in China we need to be all over the Philippine Islands?—A. I think it will be a great advantage to possess all of them.

Q. We could be "in it" in China without being "in it" in the Philippines?—A. Perhaps, but I confess I do not see how. If we possess the Philippines we will not be far away.

Q. How far is it from top to bottom of the Philippine group?—A. About a thousand miles.

Mr. GRAY:

Q. If we were at war with a first-class power, would it require a greater naval establishment to defend ourselves if we were confined within what had been our limits up to the present year, or if we had islands and possessions and coaling stations, such as have been talked about here to-day, all over the Pacific Ocean?—A. That is a very extensive question. Naturally the more territory a country has to defend the greater the force, both naval and military, will be required. On the other hand, during a war with a naval power, with coaling stations and ports of refuge the world over, similar coaling stations and ports of refuge outside of our own country then become, in my opinion, a source of strength rather than weakness. The necessity for such stations has already been referred to by me while speaking of the experience of the war, which was of short duration and with a weak power. If we are going to inclose ourselves within a shell, like a turtle, and defend ourselves after the manner of a turtle, then any possession outside of our own country may be said to be a source of weakness.

Q. Recurring, then, to the question whether it would take a larger naval establishment to successfully hold our own in case of a war with a first-rate power if we were in the condition we were in up to the present time, your answer would be as we are at present situated, it would take a less naval establishment?—A. No, sir; that is not my answer.

Q. Then you think that if we had the Philippines for instance—the Hawaiian Islands we have, which we had not up to the present year—it would require a less naval establishment to defend the places where we had placed our flag, 7,000 miles away from our present coast, than it would to defend the compact territory now known as the United States of America?—A. I have answered that question already to the best of my ability. I can not call our territory compact.

Q. With the exception of Alaska it is, is it not?—A. Part of it is on the Atlantic and part on the Pacific; that is not very compact.

Q. Let me ask another question: Is there any nation in the world which has so large an extent of contiguous and compact territory as the United States?

A. No, sir.

Q. Is it not exceptional?—A. Yes, sir.

Q. Is it not to our advantage?—A. Yes, sir.

Q. Is it not, within our territory, absolutely self-sustaining as no other country is?—A. Probably.

Q. Therefore, I repeat the question. I do not mean you to understand that you have not given an intelligent answer to my question. Still, I think you have missed the point whether, as a matter of fact, if we had continued in the situation in which we were up to the present year, with this compact territory of such vast extent, and with our population and resources such as they are, it would not take, in case of a foreign war with a naval power, a less naval establishment than if we had these islands in the Philippine Archipelago, extending a thousand miles, open to attack, north and south?—A. I must answer "no."

Q. You answer that it would take less to defend the coasts of the United States, plus the Philippine Islands?—A. Yes, sir; and I would like to give my reasons. For the purpose of illustration, let us suppose that war is declared and that the theater is in the neighborhood of the China Sea. Suppose we have on the Pacific coast 100 ships and no naval supply stations between that coast and China. Now, the point I make is, that we would be better off and more powerful with a chain of naval-supply stations stretching from the Pacific coast to China and 50 ships, or one-half the force under the conditions first mentioned. Few realize the great changes that have taken place since the days of sails and muzzle-loading guns. With the rapid-firing guns of to-day the entire supply of ammunition may be expended in a few hours. Ships are helpless without coal. We must be able to follow the enemy with our ships the world over, as Nelson did.

Q. Have not they to go with us?—A. That depends upon whether they desire to act on the offensive or defensive.

Q. Will they not go where we are, to the most vulnerable point?—A. Naturally.

Q. Would not they consider a point in the Philippine Islands, 7,000 miles away from our home territory, more vulnerable than any point on our coast?—A. Not necessarily.

Q. Why not?—A. Because of its small value. What is the value of all the Philippine Islands compared with that of New York?

Q. Would not we be bound to defend our flag there?—A. Yes, sir.

Q. Would not it require a larger establishment?—A. Possibly. We certainly want a larger one than we have now.

Q. Would we not possibly require a larger establishment?—A. Yes, sir. An increase of colonies, the merchant marine, and the Navy naturally go hand in hand.

Q. I presume that we will act on the defensive only?—A. I hope not.

Q. We would not be weakened by having these far places to defend?—A. Naval warfare can not now be carried on without coaling stations.

Q. Would it not require more to defend Manila and Hawaii and Cuba?—A. We must always take the disadvantages with the advantages.

Q. We would require a larger naval establishment than if we had not those places to defend?—A. Perhaps.

Q. Now, Commander, as you said something about the moral point of view, you consider that we have a moral duty, unless I misunderstood you, to take the whole of the Philippine group?—A. That is quite correct.

Q. I suppose that you would recognize that one of the bases of the moral obligation is an adherence to declarations which, from a national standpoint, amount to premises, would you not?—A. Yes, sir; certainly.

Q. Good morals require adherence?—A. Certainly.

Q. Having undertaken a war with a specific declaration that it was undertaken with an utter absence of intention to acquire territory, with a definite object defined and declared, and having accomplished that object so defined and declared, would not you believe there is some moral obligation to adhere to that declaration?—A. Nations, as well as individuals, have a right to change their minds.

Q. Having made in the present war just such a declaration as I have described, and having, in the course of that war, carried it on as a civilized nation is entitled to carry it on, by striking the enemy wherever we can find him, we struck Spain in her territory in the Philippines, did we not?—A. Yes, sir.

Q. Now, the war having been accomplished, and the declared end in view achieved, are we not pledged morally by the declaration we have made to content ourselves with that achieved object and to relinquish that territory we occupied merely as an act of war? If, for instance, we might have attacked and seized as an act of war the city of Barcelona on the peninsula, would we not, when we achieved the object of the war, in morality have been bound by the position we took at the outset to abandon Barcelona?—A. No, sir; not by the rules of war.

Q. I am speaking of the rules of morality now?—A. Nor by the rules of morality either. We had a right to take it, and it is not immoral to keep what is our own. Besides, even when a contract is broken, the law, founded on justice and morality, requires a loss by one party to be shown, before damages can be awarded. I do not believe that Spain relaxed her efforts to defeat us on account of the declaration you have referred to. Spain, by her oppression and misrule has lost most of the vast colonial territory she once possessed. History has applauded those who brought about the separation and inscribed their names among the benefactors of the world.

Mr. FRYE:

Q. I would like to ask just one question in that line. Suppose the United States in the progress of that war found the leader of the present Philippine rebellion an exile from his country in Hongkong and sent for him and brought him to the islands in an American ship, and then furnished him 4,000 or 5,000 stands of arms, and allowed

him to purchase as many more stands of arms in Hongkong, and accepted his aid in conquering Luzon, what kind of a nation, in the eyes of the world, we would appear to be to surrender Aguinaldo and his insurgents to Spain to be dealt with as they please?—A. We become responsible for everything he has done, he is our ally, and we are bound to protect him.

The CHAIRMAN:

Q. Suppose that cooperation, whether wise or unwise, was limited to the island of Luzon, where the insurrection of the Tagalos, a separate class of people inhabiting the other islands, existed, and we bound the United States in the forum of morals not to leave those people and not to leave a condition of warfare and chaos on that island, if we take that island, compose everybody on that island, great and small, and protect them—does not that discharge the moral obligation to the people we have had as so-called allies?—A. I do not think I quite understand the question.

Q. (Question repeated.)—A. No; for this reason: During the course of our naval operations at Manila, we destroyed or rendered useless all forces subject to the control of the representative of Spain at the capital of the islands. The power of Spain having become largely paralyzed, the native people of the southern islands have been enabled to practically take charge. We, therefore, are responsible, in a more or less degree, according to the amount of power in Spanish hands before being attacked by us, for what has since taken place in the southern islands and what is taking place there now.

Q. We have simply put the inhabitants of the southern islands in a better condition, so far as overcoming the objectionable power of Spain is concerned, than they were before; is not that true?—A. Possibly, if they succeed. But there are interests in southern islands affecting civilized people of different nationalities which have suffered. Again, I doubt very much if any native government is better than the Spanish Government was.

Q. There you are getting outside of the moral obligation to relieve them from an oppressive power.—A. I intended to confine myself to the indirect results of our action at Manila.

Mr. DAVIS:

Q. Do you think this so-called moral question at all impairs the right of the United States to take indemnity for the cost of the war, whether in money or territory?—A. I do not. Judging from the practice of all nations for the last hundred years, indemnity for the cost of war seems to be the first point to be considered by a successful belligerent.

Mr. REID:

Q. The question I wish to ask you relates to the point of its being easier or more difficult to defend the coast of the United States when we had some outlying possessions. In the late war, suppose Admiral Dewey had been defeated in the harbor of Manila, instead of being successful, and suppose the Spanish fleet had been as powerful as we believed the Spanish fleet to be, and had been capable of ravaging our coasts on the Pacific if we were not ready to defend them, would we have been then in a better position to defend the Pacific coast against that triumphant fleet with or without the Hawaiian Islands?—A. Incalculably better off with the Hawaiian Islands. They form a salient point which no force coming from the westward can afford to pass without first reducing.

Mr. GRAY:

Q. It would take more ships to defend the Pacific coast with them than it would without them?—A. No, sir; I think not. A fleet would be stationed at the Hawaiian Islands——

Q. And leave your coast unprotected?—A. No, sir; the coast would not be unprotected. That duty would be performed by harbor defense ships, torpedo vessels, submarine mines, and batteries.

Q. Would it be safe to defend the coast with torpedo boats?—A. They would form an important element in its defense.

Q. You would have to detach some of the ships to go to Hawaii?—A. The fleet would be best disposed at Hawaii, with cable communication with San Francisco.

Q. They would be detached from the number on the coast?—A. A fleet must be organized and kept intact somewhere to meet an enemy's fleet.

Q. Given a certain number of ships, adequate and necessary to protect the coast, would it not be necessary to have a number in addition to that to protect Hawaii?—A. No, sir; not if the enemy's fleet is to come from the west. If it is to come from the north or south this would not be the best disposition. The enemy's fleet must be struck before it can coal, and its near presence must be ascertained by scouts. The acquisition of coal is the great problem in naval warfare. How to get it and how to prevent the enemy from getting it are the first and greatest considerations.

Q. Suppose they should pass to the north and not touch there at all?—A. Very well. Then the coast defenses must stand them off until the fleet arrives and gives battle.

STATEMENT OF GEN. CHARLES A. WHITTIER, U. S. V., BEFORE THE UNITED STATES PEACE COMMISSION AT PARIS.

Examination by Mr. DAY:

Q. Please state your name, the length of time you have been at Manila, and the opportunities you have had for observation there.—A. Charles A. Whittier, brigadier-general, United States Volunteers. I left San Francisco on June 28 last, and went to Honolulu, which I left on July 8, and arrived at Manila on July 25. Remained in the harbor meeting the merchants, who came out to the ship as frequently as they could, until a prohibition was put on their frequent visits. Officers constantly came aboard of our ship on the way to and from camp, and reported the different stories about the conduct of the insurgents and the Spaniards, and of the small engagements occurring, different evenings. After communications addressed by Admiral Dewey and General Merritt to the acting captain-general, asking him to remove his noncombatants, and next demanding the surrender of the city, which requests were both denied, the Belgian consul, as a semi-intermediary, came repeatedly to Dewey and proposed different methods of giving up the city after we had made an attack, which, he said, was necessary to satisfy the Spanish honor. So the guns opened on August 13, and after the white flag was shown I was sent, in company with Lieutenant Brumby, on the launch of the Belgian consul, to receive the surrender.

We landed by a stone pier running out into the water, which was rough and getting rougher, but we got ashore very comfortably at about noon, much better than those who went later in the afternoon. Two carriages awaited us, and an interpreter by the name of Carlos Casademunt, together with Colonel of the Staff Don Jose M. Olaguer and Captain of Artillery Don Francisco Chavairi, who also spoke English, conducted us to the house of the captain-general, where we found about 40 officers awaiting us. They had a number of pages of stipulations, to two of which I could not consent, being that their arms should be given to them and the army sent back to Spain, though I think now it would have been wise to do so. Admiral Montojo, who had commanded their vessels in the fight, was there, and seemed to have his wits about him better than the rest. I think the captain-general was much frightened. He reported in great trepidation that the insurgents were coming into the city, and I said that I knew that that was impossible, because such precautions had been taken as rendered it so. The subject had been broached two days before and all the arrangements had been made. A little later they said that our people were on the front of the city, the corner of the walled city, and were firing there. I wrote a letter to the commander of the troops, who turned out to be General Greene, and asked that the firing should be suspended, which it was, and Brumby returned to Admiral Dewey.

Going through the city we passed perhaps 1,500 Spaniards, with rude, old-fashioned artillery, and the men looked very well, infinitely better than the Southerners did at the surrender of our other war. I wrote a note to General Merritt asking him to come to the city. They said that the town hall, their hotel de ville, or the Ayuntamiento was the best place for headquarters. We adjourned there, and I asked them to deposit their arms in the courtyard, to which they demurred, saying that it was not yet a formal surrender, but they did stack them, and I went down to meet Merritt, missed him, and when he arrived he found about 3,000 people there with arms. About 9 o'clock a memorandum was made of the surrender, and the next day General Greene, Captain Lamberton of the Navy, Colonel Crowder, and myself were on the commission for the terms of surrender. After that I made it a point to know all the merchants in the town. I knew all the English, the principal traders there. The only Americans in the place were Mr. Daland, a custom-house broker, and a Mr. Russell, whose father was an American; he is now connected with one of the leading firms. I went over the line of the only railroad in the Philippines, leaving one Saturday morning and going up 120 miles through the rice fields, a country of marvelous and most extraordinary fertility.

The next morning we started out early and went up to Dagupan Bay, the terminus of the road, that little niche on the left (indicated on the map). We found about 300 insurgents in the cars, who were going down to some points on the line. They said they had been up at Vigan, where the Spaniards had a custom-house, and had been driven out. This station was all battered to pieces by the Spaniards in some previous engagement.

Mr. GRAY:

Q. What sort of looking people are the insurgents?—A. They are somewhat undersized, are fairly good in appearance, are brave, will stand any amount of hunger and hardship, and, well led, would be very good soldiers. The country on the line of railroad is divided into four parts or zones. There was one General Macabulus, whose headquarters were at Tarlac, and it was said that Aguinaldo rather dreaded his popularity, and wanted to transfer him. There was good feeling between them, however, and he sent down by Higgins $36,000 as a contribution. This was Mexican, of course. In all my talk it will be of Mexican dollars, about 47 cents' worth in our money or in gold. That trip was most interesting, but I have stated most of these things in my little story. We were the first officers who had been anywhere in the island outside the immediate environs of Manila.

The next Sunday, in company with a member of one of the chief mercantile houses and the senior British medical officer at Hongkong, Colonel Evatt, we went up the river Pasig on the launch of the former. We went up about 28 miles to the laguna. Paixauang would have been better to see, but time would not permit. We went to Banos, a health resort. There is an enormous tract of land on the laguna on the market, held by the priests. They wish to sell it for $1,700,000. It is an enormously productive country. You pass casco loaded with cocoanuts and enormous quantities of nipa thatching for roofs. At this time I was collector of the port, and during this time I heard all sorts of expressions, and I think I had a very fair opportunity, being amused with the natives and studying their peculiarities, to form a fair judgment. I stand a little isolated in my opinions, however, perhaps. Men so quickly dismiss the natives from their minds as simply

"niggers" and "savages," but when you think of all they have done you must give them credit for great capacity. I think there is a very good authority on this subject, Sir Frank Swettenham, of the British Straits Settlements Colony, from whom I have a letter written to Mr. Pratt, our consul at Singapore. Sir Frank Swettenham has written a very clever book of local stories.

Mr. DAY:

Q. Does he live in the Philippines?—A. No, sir; in the Straits Settlements in the Malay Peninsula. His letter is as follows:

CARCOSA, SELANGOR, MALAY PENINSULA, *October 28, 1898.*

DEAR MR. SPENCER PRATT: I send you all I have at present available. It may be all you want.

The Philippines are Malays, with more intelligence, more education, more courage, perhaps, than their confrères in the Peninsula.

In one sense they would be easier to govern, because they have been for many years in contact with white men and understand their ways. Moreover, the majority are not Mahommedans.

But, on the other hand, they have aspirations for political institutions and the management of affairs without the necessary experience, perhaps without the essential qualities to secure success.

I should say that our experiment in the Malay Peninsula might be successfully repeated in the Philippines, provided that the controlling power made it clearly understood *at the start* that they meant to control and not only to advise and educate.

If that point were never in doubt, and the means of enforcing authority were in evidence for a short time, the rest would be easy, and I firmly believe the results would surpass all anticipations.

Yours, sincerely.

(Signed) FRANK SWETTENHAM.

The above is very much my idea of the situation. I have prepared a little statement in regard to the Philippine Islands, their resources, etc., which I will read if you desire.

The CHAIRMAN:

Q. Please read it.

General Whittier here read the following statement:

"The Philippine Islands are estimated to be in number between 600 and 1,000, the latter, if we include the Sulu archipelago and Paragua, extending over about 12 degrees of latitude, including the Protectorate, extreme south of the Sultanate of Sulu (Jolo), with an area of about 114,500 square miles and a population estimated from 5,500,000 to 8,000,000. About 25 islands are of commercial importance, from practically all of which supplies of produce are collected and sent to Manila for baling, pressing, classification, and shipment to foreign ports. The principal islands are Luzon, Panay (of which Iloilo, the second port of the Philippines, is the important town), Negros, Samar, Leyte, Cebu, and Mindanao. The last named has a port of Zamboanga. Foreman, in his book (1872), says of this island and of Sulu, etc.:

"Half of the Philippine archipelago still remains to be conquered, but only its Mussulman inhabitants have ever taken the aggressive against the Spaniards in regular warfare. (A change since with the effective action of the natives.) It is at a great sacrifice that the Spaniards can retain the little possession they have acquired in the south, and frequent acts of violence are still perpetrated on them by the turbulent Mussulmans who virtually refuse to recognize other rights than those of their sultans, to whom they give allegiance.

Indeed it may be unhesitatingly asserted that the Spaniards hold no more domain in Mindanao and the Sultanate of Sulu than that of a day's march from their respective garrisons; and in Mindanao particularly not one-hundreth part of the territory."

This same condition exists to a lesser degree in the other islands; large tracts of unexplored country, occupied by various tribes, with more rumors than is actually known about their habits, ferocity, etc., this particularly the case with the mountainous country in the center part of the northern portion of Luzon. It will require the intelligent, systematic work of years to open, develop, and govern these places. "For ages it has been the Spanish official system to declare territories to be under their rule, without taking steps to make their possessions manifest to the rest of the world"—or to themselves.

The Spaniards have apparently never known the number of the islands owned by them for all these years or the population. The last census—that of 1881(?)—is very vague.

The products of the islands are: Sugar, rice, hemp, coffee (reduced of late years), tobacco, cocoa (small), cocoanuts (large and increasing), nipa palms, bamboo for rafts, furniture, carts, baskets, boats, bridges, carrying poles, floats, etc., hardwoods of great variety. Fruits: Mangoes, bananas, pomela (larger than our grape fruit, of same family), oranges, citrons, chicos, guavas, lemons, pineapples (not of best quality, cultivated for the leaves to make pina and jusi, dress and fine handkerchiefs, etc., fabrics), tamarinds, vanilla, sago (small products). No doubt it will be a great field for cotton. In fact, no country has such diversified possibilities.

Account of four products exported to different countries, and all imported from the interior of the Philippine archipelago during the year 1897:

Product.	Where raised.	Amount paid for export duties.	Destination.
Hemp	Provinces of Sarsogan (Albay), Legaspi, Jabaco, Camarines, S. & N. Marinduque, Mindoro, Calbayez, Cebu, Iloilo, and other southern provinces.	$562,022	Spain, Australia, China, the United States, France, England, Japan, Singapore, and other foreign ports.
Sugar	Batangas, La Laguna, Cebu, Iloilo (small quantities), N. Ilocos, S. Ilocos, Pangasinan, Negros.	75,884	America, Australia, China, Japan, Spain, England.
Coffee	Batangas, Laguna, Cairti (province of Manila), Zamboanga, both Ilocos, Camarines.	Free.	Spain, China, Japan, Singapore.
Tobacco	This article is produced in almost all the Provinces of the Archipelago, and especially in Cagayan, Isabella, de Luzon, Ilocos (S. and N.), and in all the southern Provinces and in the Visayas.	553,805	Dutch possessions, England, France, Saigon, Singapore, English possessions, Australia, Spain, China, Egypt, France.

Products.	Quantity.	Value of same.
	Kilograms.	
Hemp, raw and manufactured	74,936,294	11,820,536
Sugar	75,883,919	10,810,451
Coffee	105,638	61,858
Tobacco, raw and manufactured	22,125,020	9,350,219

Manila hemp has a world-wide reputation, and is used for cordage, bonnets, hats, tapestry, carpets, hammocks, and other network, etc.

The sugar product is enormous. More capital is required, and the combination of the producers, with modern machinery and improved

roads. It seems strange, entering the harbor of Hongkong, to see the magnificent plant of a sugar refinery there, which has made great profits, while at the Philippines practically the old rude methods prevail.

The growth of the cocoanut palm, a most profitable industry, may be greatly increased, and its use for domestic purposes, in desiccated form (a new method), and in the manufacture of oil and soap is enormous. Of this product in Ceylon, Sir J. West Ridgway, governor, after giving surprising figures as to its development, naming the value of the local consumption then at 20,000,000 rupees (say $6,600,000 in gold), adds:

That the cultivation of the cocoanut palm is rapidly increasing is a matter of congratulation, but should not be the cause of surprise. There is no cultivation so simple, so cheap, and of which the returns are so certain.

There is an enormous production of tobacco and a ready market for all of the cigars and cigarettes made in the large factories of Manila.

Mr. FRYE:

Q. All the sugar product of the Philippines is shipped to the East?—A. They must send a great deal to Hongkong now, because of the refinery there, which I mentioned, but some is shipped to America, Australia, China, England, Japan, Spain. I suggested to the proprietor of one of these cigar factories that they send their product to America, but he said they did not know about opening a new trade; they had all the orders they wanted and for months ahead, and did not know whether it was worth while.

There are good reports as to the coal mines opened in Mindoro and Cebu, but further examination by experts is necessary. I have no doubt there will be large discoveries of this and of iron. Many stories about gold—not confirmed—all from a country of which little is known. While the soil and conditions of other tropical countries permit production of one or two articles only in each place, there is no doubt that these islands will yield everything possible for all of the others.

The great necessities are roads, railways, improvements in sanitation, and establishment of cold-storage houses. Profit and comfort will also come from the operation of banks, cotton mills, paper mills (the best material for paper making is easily obtainable), soap and ice factories. Road making should be undertaken on scientific principles. The walls of the walled city of Manila should be demolished and the offensive moats filled, adding in good health what is lost in picturesqueness, and giving the Government a large tract of valuable land to be sold or leased.

Mr. FRYE:

Q. Have you any idea what proportion of the land is now Government land?—A. There are two or three classes of lands occupied by the natives. On some of it they have erected houses; and there is a great deal which has absolutely no ownership of record, particularly in the mountains; and there is also much, especially in Mindanao, which should come to our Government. But this question needs full investigation by a land department.

STATEMENT—resumed.

Railways built to the mountains—distances from 20 to 250 miles—will give a new climate, where one can find at night a temperature of

from 40 to 60 instead of the monotonous all-night 82, even at this season, of Manila, and where vegetables and fruits in variety may be raised. The country to be opened by well considered new lines will populate and develop fine sections. All this, of course, will take time.

Field-Marshal Roberts says:

It (the Mutiny) hastened on the construction of the roads, railways, and telegraphs, which have done more than anything to increase the prosperity of the people and preserve order throughout the country.

This, true of India, will be most effectively the case of the Philippines. I quote a portion of an article by Mr. John Foreman in the Contemporary Review for June, 1898:

The islands are extremely fertile, and will produce almost anything to be found in the tropics. I estimate that barely one-fourth of the tillable land is now under cultivation. There is at present only one railway, of 120 miles. A number of lines would have to be constructed in Luzon, Panay, Negros, Cebu, and Mindanao islands. Companies would probably take up the contracts on ninety years' working concession and ninety-nine years' lease of acreage in lieu of guaranteed interest. The lands would become immensely valuable to the railway companies, and an enormous source of taxable wealth to the protectorate. Road making should be taken up on treasury account and bridge construction on contract, to be paid for by toll concessions. The port of Iloilo should be improved, the custom-houses abolished, and about ten more free ports opened to the world.

Under the protectorate undoubtedly capital would flow into the Philippines. The coal beds in Luzon and Cebu islands would be opened out: the marble deposits of Montalban and the stone quarries of Angono (both near Manila) would surely be worked. The possibilities of development under a free, liberal government are so great that the next generation would look back with astonishment at the statistics of the present day.

If we compare Egypt under British control (in fact, if not in name), Mr. Edward Dicey says:

The British occupation has now lasted for over fifteen years. During the first five comparatively little was accomplished, owing to the uncertain and provisional character of our tenure.

In this time (fifteen years) the population increased from a little under 7,000,000 to close upon 10,000,000—this is not due to foreign immigration—"and can only be accounted for by the fact that conditions of life amid the mass of population are more favorable, marriages more frequent, families larger, infant mortality, which before kept the population at dead level, is less frequent, that the general health of the people has improved. To put the same idea in plainer words, the natives are better fed, better paid, better housed, better clothed," etc.

That, I think, is rather pertinent to our probable status in the Philippines.

I made the following jottings of a trip over the line of the only railroad in the islands:

On Saturday, September 3, upon the invitation of Mr. Higgins, manager of the Manila railroad, who furnished his private observation car, and of Mr. Wood, of the firm of Smith, Bell & Co., who was our host, the party, consisting of Major Bement, Mr. Millet, Wood, Price, Higgins, and myself, made a trip over the line of the railroad, leaving at about 10 in the morning. One hundred and twenty-three miles of railroad in fair order, telegraphic communications destroyed in many places, probably requiring a month for their restoration.

The line runs through a country of most extraordinary fertility. Rice is the principal product, much sugar, possibilities of cotton, coffee, or almost anything. A small amount of indigo is grown on the northern part of the line. The stations are at short intervals, in accordance with orders from the Spanish Government. It is a country of splendid productive power, almost all of it is at present under

cultivation. We spent the night at Baulista (Bayamban), where Smith, Bell, & Co., have a rice mill and a new house just completed, about 100 miles from Manila. At 7 the next morning we started for Dagupan, a different country, prettier, high cocoanut palm trees, a house in one tree, and on the whole the prettiest scenery I have yet seen in Luzon. At Dagupan we saw about 250 insurgents on the cars en route to Tarlac, one of the headquarters. The station is almost totally destroyed, uselessly, by the Spaniards in one of their battles.

The insurrectionists practically hold all of the country between Caloocan, 3 miles from Manila, and the road's terminus; but they are nowhere in evidence in great numbers. The plan seems to be to have one or two men on duty, while the others in numbers of fifty or so concentrate in the small pueblos in which the country abounds. At Malinta, about 6 miles out, a new fort and small earthworks were being prepared; at Angelos, two stone barricades.

Though everyone expresses a doubt as to unanimity and cohesion in the rebel ranks, I think Aguinaldo has a comprehensive plan. His influence is constantly apparent and his orders, in the main, respected by the offcers and soldiers. One colonel, formerly a general (Gregorio Mayor), was waiting at the station for the the train, that he might report at Cavite to Aguinaldo, under the latter's orders; and a commission from the latter, the chief of which we saw about 85 miles from Manila, had just succeeded in making an alliance with the leaders of the Iglesia, an independent band computed at 5,000 and organized by the priests and under their domination, in opposition to the insurgents.

It is impossible to forecast how far the natives will adhere to Aguinaldo, but any little show of force and good government by us will, I think, put these provinces in a tractable condition and result in peace and increased prosperity for all concerned. The people want peace. They have had enough fighting and disturbance, and will be happy in a firm and just control.

The country on the railroad is divided into four zones or military districts: the southern, from Caloocan to Polo, commanded by Gen. Pantaleon Garcia; the next, from Polo to Calumpit, by Gen. Gregorio del Pilar; the next, from Calumpit to Parnao, by Thomas Mascardo, and the northern, from Parnao to Dagupan, by Macabulus.

There are about 450 Spanish prisoners at Tarlac, and, strange to say, they are receiving good treatment. A few (six or seven) are at Gerona, among these two governors of provinces.

The following extensions and new lines are under consideration by the railroad company and would be most valuable in the development of the island of Luzon: First, Manila to Batangas, south; second, Dagupan to Laoag, north; third, a branch, Gerona to Alliaga, 18 miles; fourth, a branch from Guiginto to the Cagayan Valley for the tobacco district.

Manila is naturally a healthy place, and the sanitary reforms necessary are very easy, especially as compared with much of the work in the east, particularly at Rangoon, the chief town of Lower Burma.

The islands have a small population when their area is considered. Luzon, larger than England, has only about 3,500,000, or a little over one-tenth of England's; Panay, 2,000,000; Negros and Cebu, 1,500,000; Mindanao, 2,000,000.

The CHAIRMAN:

Q. Mindanao 2,000,000?—A. That is what was stated to me.

Q. That is beyond any estimate we have had.—A. I think it is all conjecture. No one has been through there to know about it. These figures were given to me by Neil MacLeod, esq., large owner and manager of the Compañía Marítima, the important steamship company, engaged in interisland and coast trade.

STATEMENT—resumed.

If any sensible nation governs those islands for the purposes of development, a bureau of science, with the ablest chief and staff to be obtained, should at once be established, this to comprehend departments of geology, zoology, botany, and ethnology. The results obtained will be great and surprising. Also a land and forestry commission or a department of lands, surveys, and works. There are immense tracts to fall into the hands of the Government, which could be sold or leased, all of which possibilities have received no attention from the Spaniards.

I went to Manila without prejudice against the Spaniards there, perhaps a little doubtful, on account of the *Maine* massacre, for which, up to the time of the finding of the court of inquiry, I had been unwilling to believe that Spain was responsible, but testimony from all classes of people, English merchants, the general manager of the railway, also the general manager of the cable company (both of the last married Spanish women), a Frenchman and his wife, the advertisements in the papers, their treatment of their dead, their actions in battle and in civil administration, all convince me that they are without principle or courage, and brutally, wickedly cruel, with no improvement on three hundred and twenty-five years ago in the days of Philip II. The bones (skulls, arms, legs) of their dead lie without the honor of a covering of earth, exposed in their fashionable cemetery, exhumed on account of a failure by their descendants to pay rent for the tomb. The shooting in the Luneta (their favorite driveway) of dozens of so-called "rebels" and conspirators, notably Dr. Rizal, a man of literary merit, with no trial, vague charges of belonging to secret societies, with the hope of making their victims confess to what, in many cases, did not exist, was made a fête, advertised in the papers, "There will be music," and I have been frequently told that women and children attended in their carriages. The tortures inflicted with the same, view of eliciting confessions, are too brutal to commit the narrative to paper.

I have brought from Manila for the inspection of the Commissioners four carvings in wood representing tortures inflicted by the Spaniards upon the natives. They were executed by Bonifacio Arevelo, who is now practicing as a dentist in Manila. He is a man of fine presence, benevolent aspect, not sensational at all in his utterances, and in submitting them to me he wrote the wish that upon reaching Paris I would not forget that the Filipinos begged me to use my efforts to convince all concerned of the utter impossibility of the return by them to Spanish domination. He also gives a description of the models:

Figure No. 1.—This figure represents the chastisement which one of the municipal authorities of Jaen (Nueva Ecija) suffered in the prison of that town, the Spanish employees of the prison entertaining themselves by applying the most horrible tortures.

Figure No. 2.—This represents an honorably and peaceably inclined resident in a village of the province of Nueva Ecija, taken prisoner, brutally treated for being suspected, without cause, of belonging to the Katipunan, and afterwards shot.

Figure No. 3.—This figure represents one of the many natives of the Philippines whom, during the late insurrection, the Spaniards shot without previous trial, in the outskirts of the village, leaving their corpses without burial.

Figure No. 4.—This figure represents Mr. Moses Salvador, a young Tagalo, who studied several years in Europe. He is a native of Manila, and was imprisoned in September, 1896, for being a Freemason, was horribly martyrized in the headquarters of the police, and, after many months of imprisonment, was shot by order of the Spanish General Polavieja in the Luneta, in company with several of his countrymen, all condemned on the same charge, of which several were absolutely innocent.

The opinion of Alexandre Dumas, sr., in regard to the Spaniards was often quoted in the Philippines, that they possess "honor without honesty, religion without morality, pride with nothing to be proud of."

The rapacity, stealing, and immoralities of the priests are beyond

question, and the bitterness of the natives against them has been caused and aggravated by years of iniquity. To demand a wife or daughter from a native has been a common occurrence. Failing to obtain acquiescence, the husband's or father's goods have been seized, he deported or thrown into jail, under an order easily obtained from the government in Manila. The priests' influence was paramount—they are rich, and fathers (not only of the church), despised and hated by the people.

The inefficiency, to put it mildly, of the Spaniards in war has been so clearly demonstrated in this war that I will call attention only to the facts in Manila Bay and the defenses of the town. When it was absolutely known by everyone there, on the last day of April, that our ships were on the way and very near, that night many of their naval officers spent in town, far from the fleet. All their ships were destroyed, and every man of the American fleet (except one upon whom some heavy metal on one of our ships fell) reported for duty the next day. And yet Admiral Montijo applied to Dewey for a certificate of good conduct on that occasion to show to the Madrid authorities, who lately ordered him home.

Their inefficiency (and the creditable work of the insurgents as well) is further proved by the fact that they were driven by the natives from Cavite 20 odd miles into the defenses of Manila, with never a successful attack, never a capture of arms or men. All the success was on the native side, and yet the Spaniards surrendered between 7,000 and 8,000 men, well armed, plenty of ammunition, and in good physical condition. The excuse of the latter may be that their enemy was in small bands—but they never captured one of these—and the small bands drove them to their walls. Jaudenes, the acting Captain-General, in reply to Merritt and Dewey's notice to remove his noncombatants, acknowledged that the insurrectionists surrounded the city, and that he could not move women, children, etc., out. (His fear and solicitude about the natives entering the city when I received the surrender of Manila were almost painful to witness.) This admission demonstrates as well the military ability shown by the Filipinos, whose characteristics I will now enumerate.

Aguinaldo went to Cavite, under the permission of Admiral Dewey, in reply to a telegram sent by Spencer Pratt, esq., our consul-general at Singapore, who offered that chief money for his expenses. The offer was declined. After arrival (on one of our ships) he went ashore, accompanied by 13 staff officers, to organize his army; but no adherents appeared the first day, and Aguinaldo, rather discouraged, meditated returning to Hongkong. I think Dewey advised him to make another effort, at the same time saying that he must leave the public buildings at Cavite, where he had made his headquarters. Soon, from across the bay and from all sides, men gathered. The fact that Dewey permitted the armed men to move from the surrounding districts and for the rebels to take arms (not many, says the Admiral) in the arsenal was the only help we gave him, excepting, of course, the most important destruction of the Spanish navy. From that time the military operations and the conduct of the insurgents have been most creditable. Positions taken and the movements of troops show great ability on the part of some leader—I do not say it was necessarily Aguinaldo, but he gave the directions.

The CHAIRMAN:

Q. How many men did he get together?—A. His forces went around the city, taking the waterworks and the north part of the city, and

running up the railroad. I asked that question of several, and the opinions differed widely—all the way from 8,000 to 30,000 or 40,000 men.

Q. Do you think he had as many as 8,000 men before the surrender?—A. Yes, sir; the environment of the city took a great many men. There is a vast extent of country there, including the waterworks and running around the city, and they certainly had to have more than that to do so.

Q. How many arms did Dewey turn over to them?—A. I never knew exactly. I asked him that question and he said a very few.

Q. Where did they get the rest of their arms?—A. Some captured from the Spanish, some brought to him by deserters, and there were some shipments of arms from Hongkong—I believe Americans brought them in—and they have lately taken some to Batangas in the southern part, and have taken some new Maxim guns in there, too.

Mr GRAY:

Q. To the insurgents?—A. Yes.

Q. Since the capitulation?—A. Yes; they changed the name of a vessel and used it. She had had a Luzon name, the *Pasig*, and they changed it to the *Abby*. Dewey sent down and seized the boat, and the insurgents followed to Manila Bay, hoping to reclaim it. In other respects their demands, from their point of view, have not been unreasonable, and show a proper appreciation of the status.

STATEMENT RESUMED.

The day after the surrender (August 13) four representatives of Aguinaldo called on General Merritt, who assured them in general terms that "we are the friends of the Filipinos." At that time they occupied a portion of Manila. We soon demanded that they should give that up, to which Aguinaldo's representative agreed, but in seeking confirmation from him the condition was made that in case we gave up the country they should be restored to the positions then occupied and which they had taken greatly by their own merits. However, matters have been amicably settled. Aguinaldo's headquarters are at Malolos, 23 miles up the railroad. His troops control all the settled part of the island (except Manila), as well as much of the southern country.

The CHAIRMAN:

Q. What do you mean by the "southern country"—those islands below?—A. Yes.

Their conduct to their Spanish prisoners has been deserving of the praise of all the world. With hatred of priests and Spaniards, fairly held on account of the conditions before narrated, and with every justification to a savage mind for the most brutal revenge, I have heard no instance of torture, murder, or brutality since we have been in the country.

The CHAIRMAN:

Q. Did you ever talk with Admiral Dewey about his relations with Aguinaldo?—A. Yes, sir. He read me a copy of his dispatch in answer to the one in which he is asked the question whether he had made any promises, and he said he had not. Aguinaldo went down with his concurrence, without doubt, and the Admiral allowed armed people to cross the bay and join him and made no remonstrance.

Q. Did he furnish him any arms?—A. He says not, except the few furnished them from Cavite. Foreman, in his article, makes the statement that he has a treaty with Aguinaldo, and I went one morning and left the article with the Admiral to read, and he said it was not true.

Q. This relation—whatever Admiral Dewey did—took place before he got the dispatch of inquiry from the Navy Department—some time before?—A. Yes.

Q. How far does the Admiral say he encouraged Aguinaldo?—A. I do not think he says he gave him any encouragement, except that he rather dissuaded him from returning to Hongkong when he was discouraged.

Q. Did you get that statement from Dewey?—A. Yes. Aguinaldo was rather discouraged when any of the people failed to come to his banner on the first day. That dispatch also included a statement that he knew well the Filipinos and the Cubans, and that the Filipinos were a far superior people—I think that was in that dispatch; it was in one.

Mr. FRYE:

Q. Were they of material assistance to us?—A. Very great. If the protocol had not been signed I think the Spanish at home would have insisted upon their army doing something. They dismissed Augustin because he was not disposed to fight, and I think if they had not had this experience of having been driven back into the city and the water cut off, so even that Jaudenes said he could not remove his noncombatants, the Government would have insisted on his making a fight, and he could have made a very good one, for his position was strong, if they had any fight in them at all. But every place had been taken from them by the Filipinos, who managed their advances and occupation of the country in an able manner.

The CHAIRMAN:

Q. The insurrection had been ended in December, 1897, by an arrangement under which money was paid in Hongkong and certain reforms promised. Were these promises ever carried out?—A. Not at all, and Primo de Rivera stated lately in the Cortes that he never made any. I was surprised at reading that statement.

STATEMENT RESUMED.

I talked with Spanish prisoners at Tarlac, an important military station on the line of the railroad, and they said that they had had good treatment only. The wives of two officers had lately visited their husbands in jail (one at Dagupan, 123 miles north), and gave same testimony. Aguinaldo, in a letter of August 1 to our late consul at Manila, Mr. Williams, said, "Say to the Government at Washington that the Filipinos people abominate savagery; that in the midst of their past misfortunes they have learned to love liberty, order, justice, and civil life." I believe the natives to be brave (under good leadership), most tolerant of fatigue and hunger, and amenable to command and discipline, if justice and fair dealing rule. They are very temperate, as most of the natives of the East are. I have never seen a drunken one, and this with the example of our soldiers, whom they imitate in everything else; very quiet, no loud quarrels, very good house servants and cooks.

Their skill in trades, occupations, and professions is very great. Critics will call this imitation, but imitation of good things is not reprehensible. I refer now to the common people, and so will omit very able lawyers (one or two having ranked as the best of all nationalities in the Philippines), and the higher professions.

As accountants, they are excellent. In the custom-house sixty (more before) were employed during my administration. Any information desired, say the amount of imports and exports of last year, kind of articles, whence obtained, and where going, duties, etc., was sought from them, and the reply was always given in writing in a neat, satisfactory manner. All the cash was received by a native—$1,020,000, from August 22 to October 21, much of this in silver—all counterfeits and filled dollars were detected at once by his skill, and only $1 was returned to us from the banks. His neighbor, who kept the record of receipts, was most systematic and able. The Spaniards depended absolutely on them for the clerical work of the office, and the same in the other departments.

I visited three factories for the manufacture of cigars and cigarettes: First, that of H. J. Andrews & Co., where 150 to 200 natives were employed; second, the Alhambra, which had 300 in April, now 600; third, the Insular, with 2,000. The Tabacallera, largely owned in Paris, I was unable to see; it has 4,000. These working people seemed to me of the best—quiet, diligent, skillful. The same qualities were apparent in the one cotton mill of the place, where at least 200 were employed.

As mariners, quartermasters of large boats, and managers of small ones, their skill has been proverbial over the East for years, and we had great opportunities during our three weeks in the bay of proving their ability and cleverness.

Manila straw hats have been famous for years; also pina cloth and jusi cloth, the former made of pineapple fiber and the latter made of pineapple fiber and hemp.

The station masters and employees of the Manila Railway compare favorably with any I have ever seen at ordinary way stations. Clean, neat, prompt, well disciplined, their superiority is largely due to excellence of the general manager, Mr. Higgins, a man of great ability. Still the quality is in the men. The three servants in his house (on the line) have all learned telegraphy by observation and imitation.

I have also some fine samples of their embroidery.

They are admittedly extraordinary musicians, and their orchestras and bands have found places all over the East, playing without notes with great harmony and sweetness. It seems to be instinct, and is all instrumental, with little or no vocal talent. All these accomplishments do not argue greatness, but they do show that they are something more than ignorant and brutal savages. I do not mean to ascribe to them all the virtues—they may be liars and thieves, it is a wonder they are not worse after the environment and example of centuries—but to my mind they are the best of any barbaric or uncivilized race I have ever seen, and open, I trust, to a wonderful development.

Mr. GRAY:

Q. Is Mr. Higgins an Englishman or an American?—A. An Englishman. The railroad is an English one.

STATEMENT RESUMED.

And now comes the vital question, What is be done with these islands, and, if we hold them, what form of government is to prevail? Whatever grave doubts one may have as to colonial extension on the part of America, we have gone too far, either by design or chance, to recede. It can not be denied that we owe it as a duty to the natives and to humanity that the islands should not be restored to Spain (even if they were they could not be held for a year). Any division of them is absolutely impracticable. This would induce constant friction, the ruin of Manila as the great commercial center; the important products would be shipped direct from the southern islands and goods sent directly there in exchange. One owner must hold the whole country and prescribe uniform duties and government.

I will digress here to say that the British at Manila, at Hongkong, Singapore—all over the East—are more than anxious we shall hold the islands. There is such a contrast in the expression of good will and admiration of our country with the feelings of only a few years ago. It seems to me that everyday for the last six weeks some Englishman has said to me in the strongest terms, "There should be an Anglo-American alliance." They speak in the warmest terms of praise and surprise at our moderation, absence of looting, thefts, and every kind of outrage after the taking of Manila. Strange that they should make so much of a thing which, to our officers and people, seemed so obviously the proper and necessary thing. A few days before the surrender some British and other merchants and bankers came to our transports, asking from General Merritt safeguards, or the assurance of protection for the houses and persons of foreign residents. I assured Mr. Wood, at the head of one of the largest houses (Smith, Bell & Co.), that they were in no danger. Noticing a look of incredulity, I said: "You don't believe me?" "Well, I think the men getting away from their officers will take possession of the spirit shops and commit outrages." I replied: "It is not possible; it is not in accord with the temper of our people. If you will consider our civil war, where after the terrible losses, running over four years, no punishment of a single person or appropriation of property was made, you may believe that we shall behave in no other way as the result of this little affair." I doubt if anything has inspired so much the respect of foreigners for us as this, which seems to me so natural a thing.

To take all the islands and ignore the natives would be impracticable and unwise.

On October 25 I went, in the company of H. L. Higgins, general manager of the Manila Railway, Limited, to Malolos for an interview arranged the day before with Aguinaldo. I found his headquarters were in a very nice house, ten minutes' drive from the railway station; a guard of twenty or thirty soldiers in the courtyard below.

We were soon ushered by one of his officers, who spoke English, to the waiting room upstairs, and I met Buen Camino, a wise-looking counselor, whom I met at Ayuntamiento the day after the fall of Manila. He carried us to the presence of the insurgent leader and president, who was dressed, contrary to his usual daily garb, in a black smoking-jacket, of low-cut waistcoat and trousers, both black, large white tie—in fact, the evening dress common at our clubs and during the summer.

Buen Camino left us. I started the talk by announcing to Aguinaldo that I was to leave in a few days to appear before the Peace Commission, and that I had a very friendly feeling for the Filipinos and admiration for many of their good qualities, their quiet, cleanliness, temperance, and great imitative power, and a possibility of learning almost any profession or business: that I would like to be able to present to the Commission his and his people's views and demands and what relation they expected to hold to the United States in case we decided to keep the islands.

Aguinaldo replied, rather naively, that his people were divided into two parties—those in favor of absolute independence and those of an American protectorate; that the parties are about equal; that he is waiting to see who will have the majority, in that case to take his position. I pointed out to him that it would probably be useless to try to bring those in favor of absolute independence to any change of opinion, but they must consider that they are without any navy and without capital, which is greatly needed for the development of the country; that the Philippine government alone did not possess the element of strength to insure the retention of the islands without the assistance of other governments. They would be at the mercy of any of half a dozen powers striving to take either a part or the whole of the islands, and they must consider that their greatest prosperity would come by the gradual accession of power under American auspices.

He said: "But the civilized nations of the world would see that our possessions were not taken from us." I replied: "How has it been in China, where England, Russia, France, Germany, etc., all strive to control territory?" To this he could make no reply. I further asked what that side would expect America, acting the rôle of protector, to do. He said: "To furnish the navy, while the Filipinos held all the country and administered civil offices with its own people." "And what then would America get from this," said I. "That would be a detail," he said, "which would be settled hereafter."

I asked how far they controlled Luzon and other islands. "Almost entirely," he said. That the different bands, little by little, were expressing their desire to join him. The Igorrottos had sent in some of their leaders the day before and were acting with him. That he had had three representatives from Iloilo within a few days on the same mission.

We pursued all this subject of a protectorate for some time without getting any nearer any satisfactory result. Mr. Higgins felt that Aguinaldo had been simply repeating a lesson, but I did not feel so sure of that. He said that he had had many Americans to interview him, most of them reporters, I fancy, and he had always told them the same thing. Thereupon I stated that this was quite a different case. "I am ordered, as an officer of the United States Army, to proceed to Paris and give evidence on points which may be of vital interest to you." After that his tone was different. Buen Camino returned, and Aguinaldo reported to him everything he had said to us. After a little talk between the two, Buen Camino said he, and he was sure the president, was in favor of an American protectorate, and seemed to approve the suggestion that we should have the nucleus of an army; that his people should be joined to it, filling the places of minor officers; and the possibility and the hope within a few years that they should fill the most important civil and military functions.

Buen Camino said I could be certain that if a protectorate were granted that they would do their best to have it accepted by their people on the lines that I have stated, agreeing with me fully that to hold one island and giving the others to other powers would be most unfortunate, and not to be considered.

They expressed pleasure at my having come to them, feeling that they had been rather neglected by the Americans.

This I dictated hastily just after the visit, and it does not give the impression which the interview left upon me—a great desire for our protection, for the improvement of their people materially and intellectually, the wish to send their young people to America for education.

Subsequently (October 31, the day I left Manila) he sent three officers to me with the friendliest messages, expressing the wish that I should use my best influence with the commission in their favor.

Many methods of government, with them as allies or subjects, are possible. I had often thought that it might be expedient at first to admit them to some of the minor offices in army and civil government, and if they show capacity, to enlarge their powers and opportunities, until finally they should have entire control, after proper compensation or an agreed subjection to us for our work and assistance to them. But, and I hope that I shall not be considered English mad in my deference to their practice, the result of so many years of successful colonial government—I am told by a governor of one of their colonies, Sir William McGregor, when I suggested such a course, that they have never thought it safe or expedient, when they have a colony of so many (in this case millions) of blacks, and so few white men, to intrust the government to the former. If of whites, as in Australia, yes, after trial trust the government to them, with what are practically supervising, or perhaps honorary governors, who maintain the connection with the mother or controlling country.

It will be admitted that England has been the only successful administrator of colonial government in the world. Holland has had a great career, but possibly things are not so well with it just now in Java and Sumatra; at any rate, it is not comparable to England. "The British colonial empire comprises forty distinct and independent governments, besides a number of scattered dependencies under the dominion of protection of the Queen." "Of the forty, eleven have elected assemblies and responsible governments." The other twenty-nine are divided into three classes: (1) No legislative council; legislative power delegated to officer administering the government, with, in most cases, power reserved by Crown of legislating by order in council. (2) Legislative council nominated by the Crown, with some power reserved, as in No. 1. (3) Legislative council partly elected, with reserve power in three countries, no general power reserved in five.

The different conditions of country, races, traditions, etc., have made absolutely different laws necessary—one country a gold currency, others silver; free trade, open ports, tariffs, duties, internal and personal taxation prevail without following any precedents or existing laws of England, varying throughout the colonies.

Field-Marshal Roberts ("Forty-one years in India") says:

> It is difficult for people who know nothing of natives to understand and appreciate the value they set on cherished custom, peculiar idiosyncrasies, and fixed prejudices, all of which must be carefully studied by those who are placed in the position of their rulers, if the suzerain power is to keep their respect and gain

their gratitude and affection. The natives of India (and I think this is true of the Filipinos) are particularly observant of character and intelligent in gauging the capabilities of those who govern them: and it is because the English Government is trusted that a mere handful of Englishmen are able to direct the administration of a country with nearly three hundred millions of inhabitants, differing in race, religion, and manners of life. Throughout all the changes which India has undergone, political and social, during the present century this feeling has been maintained, and it will last so long as the services are filled by honorable men, who sympathize with the natives, respect their prejudices, and do not interfere unnecessarily with their habits and customs.

The condition exists in very many colonies, that hundreds of thousands of natives are governed with a handful of soldiers—in many cases with none. The moral influence, justice, and fair dealing rule. This we may be able to accomplish in the Philippines, but we must have a colonial service; and to make this effective changes of officers must not be made with every change of government. There must be the surety of promotion to induce a good man to live—often alone—so far from home and in such a climate. Good pay for civil and military officers is most essential; and here I quote an article on this subject from the Spectator of September 24, 1898:

First of all, the Americans must realize that they are now face to face with a military problem which can not be solved by makeshifts. No doubt in the civil war they did wonders by means of makeshifts, but then the country was on fire with energy, and the theater of operations was, after all, a comparatively small one, or, at any rate, all on the settled portions of the North American continent. Makeshifts will not avail to keep 90,000 men, scattered from the Philippines to Cuba, regularly supplied with the munitions of war and with those "reliefs" that are essential to the welfare of an army when in foreign places and in unhealthy climates. The wastage in this army of 90,000 men caused by death, by disease, and owing to a short term of enlistment, will be very great, and the gaps will constantly have to be filled from America. That there will be little trouble in finding new recruits we are well aware, but it is not finding the recruit that is the difficulty. When he is enrolled he will have to be equipped and transported to the place where he is needed, possibly a hitherto unsurveyed island in the southeastern Pacific. But this means an elaborate system of transports and a relief system such as exists in the British army, with probably 6,000 or 7,000 soldiers always afloat, either coming home or going out to America's new colonial empire.

All this, of course, presents no insoluble problem, but it does present one which will have to be tackled in earnest, unless there is to be a serious breakdown. Military organization means primarily an efficient headquarters staff, and this the the Americans will have to provide as quickly as they can. They have in their West Point officers as good material as exists in the world, but for the moment the supply is by no means equal to the demand. Still, Americans learn new work with extraordinary rapidity; and if only young men, and not "fossils," are put at the head of departments, things will soon shake down. As we have found in Egypt, if you are only careful to put the right men at the top and give them a free hand, they will soon discover and develop efficient subordinates.

There is yet another point most vitally connected with the efficiency of a large military force stationed abroad and in tropical and half-savage places to which the Americans must give attention. They must pay their military officers well. Pay on what is practically active service in the Tropics ought to be double what it is at home. The colonels, captains, and even subalterns in Cuba and the Philippines will be set to do most arduous and responsible work; and if good work is to be done, they must be well paid. There is no truer maxim in statecraft than that power will be paid. If it is not paid officially, it will sooner or later pay itself. But such self-payment means ruin and demoralization. That the private soldiers will be liberally treated goes without saying. What is not so certain is that the American people will realize that the officers to whom immense powers will be given must also be paid in proportion. Good salaries are the only instruments which can be permanently relied on to kill corruption, and it is absolutely essential that America should start her new colonial empire free from the slightest taint of corruption. If the salaries are good, it will be possible to introduce stringent rules against executive officers holding land or engaging in any kind of speculation in the regions which they are occupying.

It is to such rules, coupled with good salaries, that in the last resort we owe our success in India. Put an American officer, civil or military, in a great position of trust and responsibility in some outlying district in the Philippines where his word will virtually be law, and pay him well and make it a matter of honor that he shall get no indirect gain from his position, and he will turn out a Lawrence. Give the same man poor pay, and expose him, as he must be exposed, to great temptations in the way of illicit gain, and you will in practice be unable to maintain a high standard of official duty. The Americans must not be misled by the fact that they will be able to get plenty of men, and apparently sound men, at small salaries. As Lord Cornwallis told his masters in the East India Company, they could get a dozen men to be governor-general for no salary at all, but that did show that it would be wise not to give their governor-general proper remuneration. Depend upon it, this apparently simple matter of salaries is of the utmost importance. If a man has a good salary, and therefore a desirable post, he has a perpetual reminder that he has forfeited any right to private gain. If he is inadequately paid, he has a sense of grievance and tells himself when he is tempted that he has a moral right to do for himself what the country ought to have done for him.

Side by side with the problem of military organization, and closely allied to it, is the problem of civil administration. Very soon after the troops have taken possession of Cuba, Porto Rico, and the Philippines there will be an urgent need for civil administrators, including judges, of all kinds. Here, again, the need for a satisfactory tenure of office and high salaries will become urgent, more urgent, indeed, than in the case of the soldiers, who are always largely protected by the sense of esprit de corps. It is in reference to this question of how to provide these civil administrators that we see the only signs of hopelessness and pessimism that have yet been exhibited by the Americans. Grave Americans of experience and high standing are apt to say that they do not see where or how they are to obtain men of the kind we obtain for the Indian civil service. The material, they infer, does not exist. We do not believe it for a moment. The material does exist, only as yet it is in the raw. It will be the duty of America, in the course of the next few years, to develop a body of Indian civilians—men who, if turned into a tropical swamp or forest and told to organize a government and administer it, will do so straight away.

No doubt making a start will be a difficulty; but that once made, a tradition of good service will soon develop, and thousands of young men will come forward. After all, the States have never found any difficulty in filling West Point and their Naval College, and exactly the same stamp of man will do for civilian work. Look, too, at the success of the American missionaries. The same zeal and the willingness to work away from home among savages and semisavages will, we are certain, be placed at the disposal of the state. The men who fill our Indian civil service are mainly the sons of naval and military officers, of professors, of schoolmasters, of doctors, and, above all, of clergymen. All these classes are to be found in the States, and when once the need and the opportunity are realized they will give their sons to the service of the state. Only one thing is necessary—the parent who thinks of bringing up a son for imperial work must be made to feel that his boy will have a real career open to him, good pay, a secure tenure of his post, a pension when he retires, and an office conveying a certain amount of distinction and consideration. When America has developed, as we believe she will develop, a class of civilians, she will have added a most valuable element to her population. Once create a high standard of administration in Cuba and the Philippines, and the effects will be felt in New York, Chicago, and San Francisco.

A form of government (among the many) worthy of consideration is:

1. A governor with an executive council of six members, say,

Official members of legislative council:
- Colonial secretary (lieutenant-governor).
- Treasurer.
- Attorney-general.
- Commanding officer of army.
- Commanding officer of navy.
- Commissioner of lands, or collector of customs,

and also six unofficial members.

The official members in many cases are advisory only, but must vote in legislative council with the governor. In many cases "To the natives a large share of self-government has been conceded; their sys-

tem of village and district councils has been recognized and improved and supplemented by an annual meeting of the high chiefs and representatives from each province, presided over by the governor. The regulations recommended by these bodies have, however, to receive the sanction of the legislative council before acquiring the force of law."

To this should be added a commissioner or minister of native affairs, with a salary which should impart a dignity and importance to the office, which should be purely advisory and given to one of their leaders.

2. Or, like the government of Ceylon, "administered by a governor, aided by an executive council of five members and a legislative council of eighteen, including the governor and executive council. The legislative council contains representatives of the principal races and interests in the island. For administrative purposes the island is divided into nine provinces, at the head of each of which there is a government agent. The larger towns have a local board, and in the country districts" (of which the Philippines will mainly consist) "the natives retain their village councils and tribunals for matters of minor importance."

I believe that it will be an easy matter to secure the loyalty and fidelity of the natives, with the maintenance by us of a small and very quickly decreasing army. If we attempt the unwise thing of ignoring the natives, an army of 50,000 men will be none too small, including the exploration and absolute control of the southern islands and government of the whole of all of them. Enlisting the natives, and giving them what is very small food and pay compared with our allowances, will make a good army of any size we wish, easily subdue any hostile tribes, open all the country, and reduce our present force of 20,000 to 10,000 men. I am confident, after a short time, to very much less.

In connection with the settlement of the question of form of government will come necessary legislation in the four most important questions of currency, revenue, opium, and the admission of the Chinese. That silver must remain the currency for a long time seems certain. This is a question (apart from whatever views we entertain on a gold standard or bimetallism) on which it would be difficult to educate the natives to the belief that our silver dollar is worth double the Mexican of the same weight and fineness, so an attempt to introduce it would result in double wages and cost of products; hence, though the British are as tenacious as anyone of the gold standard of currency, by an order in council in 1894 a British dollar was authorized to be issued for circulation in the East. It is identical in weight and fineness with the Japanese yen (same as Mexican dollar), and has been made legal tender in Hongkong, the Straits Settlements, and Labuan. Notes payable in this are issued by the Hongkong and Shanghai Bank, the manager of which, with its twenty-six branches, the recognized authority in the East, expressed to me the opinion that we might to advantage repeat the experiment with the trade dollar in the Philippines.

I have no doubt that it will be a popular and successful currency, and an American bank of issue, abundantly secured, will be of great utility and preclude the cumbrous method of handling such masses of silver; but the question, as well as the other three, on all of which the wisest differ, should be considered by a commission of experts. This especially in regard to revenue. Shall we have an open gate, a

free port? Shall we discriminate in favor of American goods, a policy not successful with the French in Cochin China? They admit their goods free there and have heavy duties on those of other countries at their four ports. Shall we have a land tax, source of the greatest revenue in India and the greatest permanent source of revenue in Egypt?

I am inclined to believe in a personal tax, the peninsula system of a document of identity (cedula personal), which was adopted in 1884, and which, with some modifications, will be serviceable. These have ranged from $3 to $37.50. Of the higher amounts of taxation there seems to be no complaint. The lowest might be reduced to $1 or $1.50. The cedula serves as a passport, and must be produced by the interested parties to make legal documents effective, and is noted in the legal instrument.

In Ceylon a salt tax, road tax, and tax on consumers of imported rice is levied, running from 2.12 rupees (75 cents) to 9.99 rupees ($3.30), or a little more with a large family, the latter applying to males, the head of a family of five. This was practically the same contribution by the natives to the support of the government.

Further, great revenue should come from opium and tax on Chinese admitted. The British opium commissioner decided in effect that the reported ill-effects of opium have been greatly exaggerated; that it has not been a great injury to the Chinese as a nation, no more than spirits and tobacco have been to other countries. I have not the report at hand, but this is my impression. At all events the trade in it has not been suppressed and is a source of great revenue. In India, 7,000,000 rupees; in Hongkong, a small area, $286,000 a year. To obtain this revenue by any import duty is impossible. Smuggling is too easy and the Chinese, the only consumers, too adroit. The farming system, selling by auction or by advertisement for public tenders the monopoly to the highest bidder, is the only method. For Manila and the adjoining district, $550,000 was received for the privilege for three years, and it is probable that a large sum in addition was paid to some officials. The farmer paid also a duty of 2 pesos per 100 kilos (220 pounds). Our Treasury officials, not being aware of the farming custom, in their new regulations simply left the 2 pesos duty, which would be less than $1 (gold) on 220 pounds, where the American would be $1.320. It would be absolutely impossible to collect any proper duty or prevent smuggling, but the farmer has been able to do this, and will be.

Then the question of the admission of Chinese, with the strong arguments on both sides. The merchants of Manila are unanimous in their representations of the necessity for more coolie labor. They and many others require it in Manila, and think that it will be necessary in railroad building, and in the development of the country, saying, "There is no question of competing with American labor here, there being no such in the country, nor can there be, the climate prohibiting that. Cheap labor and plenty of it is the life blood of the Philippines. There is room for three to four millions of Chinese comfortably, while 90,000 is the present estimate."

The CHAIRMAN:

Q. Room for them where?—A. In the island of Luzon. "Were any road making, new railway, or agriculture work being done, a million would be absorbed at once, and next year another million, and so on." This is the argument of those favoring admission.

Statement resumed: Taxes on the admission of these could be easily made $10. In fact, it has been $40; has run on for years at varying rates, and still the Chinaman will come. I have no doubt that many might be admitted to advantage; probably there should be limitations as to tenure of stay, numbers, and character of employment and pursuits. Then admission will be opposed by the natives, but it is my conviction that they can be brought in this, as in other matters, to look upon it in a reasonable light, after our determination as to what is expedient.

With strength, firmness, justice, and fair dealing, we can do anything with the native, and make a happy and prosperous country beyond any present expectations.

Mr. FRYE:

Q. I would like to ask a question which occurs to me now. It was stated that one-half of the Spanish troops in the Philippine group was native. Do you know anything of that?—A. I think quite that. The best figures we could have at the time of the surrender and before that and pretty well carried out, was that they had between 13,500 and 14,000 men at Manila. I asked Jaudenes how many Spaniards there were, and he said 7,500 to 8,000. We took 22,000 rifles, but many were in the arsenal. In the other islands the proportion would be greater than that.

Q. How did they succeed while this war was going on—this insurrection—in keeping these soldiers within their allegiance?—A. I think the way many of the insurgents got their arms was through desertions. But there were, of course, large numbers of men who had lived under Spanish rule and in contact with the Spaniards, who regarded the natives as a low order of people, the Spaniards as their masters, and they clung to them, as I suppose the negroes did in our civil war to their white masters.

Q. What kind of soldiers did the natives make with the Spaniards?—A. I think very much the same as the army Aguinaldo had. The Spanish army made a most wretched showing when you come to think of it, for Aguinaldo to go there without a man and then to drive even 7,000 Spaniards alone 25 miles to their defenses. It is about as feeble as their naval conduct.

Q. What proportion of native soldiers do you think it would be safe for us to have acting with our command, under white field officers but under native company officers, in our control of the Philippine Islands?—A. I think the question of native company officers might have to be put off for some time, except the noncommissioned officers. I would first see what turn things took in that way. I think the Filipinos have had enough fighting and want peace, and they will gain respect for us, and I think in a little while it would require very few soldiers, possibly none. You take it in Burma. I talked with an Englishman on our steamer, who is deputy chief of police or deputy collector, and he said he had a considerable force under him and he was the only white man for 40 miles, and that he would not see another one for three months.

Q. You think it would be safe to take half and half?—A. I think three to one would be safe. I think 10,000 men would soon suffice for us, and after a year it could be reduced to a much smaller number.

Mr. REID:

Q. You would want the commissioned officers white just now?—A. Yes; I would let the civil offices go to some of them, and see how they

got on, and I have no question of the result. In some of the English provinces they have a civil governor and a native governor. The moment the latter rebels at any action of the governor he is speedily brought to agreement.

Mr. FRYE:

Q. In your judgment, from what you have seen of the islands, how near will the revenues of the islands support the government?—A. That is going to depend on which way you make the revenue, and also the expenses—how much the army and navy will cost. The custom-house gave last year—which was, I suppose, a wretched year for business—between four and five millions of revenue at Manila. The personal tax was a great source of revenue, and the real-estate tax and the licenses were very great. But with a land tax and with a personal tax it is easy enough, without making it irksome, or without complaint, to pay the expenses of the islands.

The CHAIRMAN:

Q. And raise how much revenue?—A. That is hard to say.

Q. They have been raising nine millions, we understand?—A. It should have been much more. Thefts and extortions prevailed. Monopolies were sold for which the Government received paltry sums; the concessions granted from Madrid, e. g., for the manufacture of beer, the sole privilege with immunity from all duties, the Government receiving only $120 a year. The largest tobacco company had most valuable privileges with apparently little payment. The opium monopoly for Manila and the adjoining province paid the very inadequate amount of about $180,000 a year. Special fees pertaining to the custom-house, etc., were paid to the archbishop.

Mr. GRAY:

Q. Those things have been stopped. How do they take it?—A. The merchants like it very much.

Q. Are the priests making any difficulty?—A. No, sir; they are too frightened, and many of them have gone away.

Mr. FRYE:

Q. Do you think they will go home, all of them?—A. The thing will be so much changed that there is no profit to them or danger from their remaining.

Q. As I understand it, then, your opinion is that with a fair and reasonable imposition of taxes in the islands, and reasonable duties on imports, the islands will support themselves in all the forms of government necessary, military and civil?—A. I think certainly it will. I do not say that the first year it is going to do that; you have to give time for it; but I think there will be so much capital going into the place which will be willing to pay for privileges that it will only be a question of a short time.

Mr. REID:

Q. Would it be possible, by a fair and reasonable tariff, equally applicable to the importation of all nations, collected at the principal custom-houses there, to raise money enough to administer the government?—A. A tariff alone?

Q. Yes, sir.—A. On imports and exports?

Q. On imports alone.—A. I should rather doubt that. But I've never heard complaints of the export charges, and very likely those,

with the imports, will suffice. I do not see any objection to the cedula tax.

Q. Has not that been the one of which the most complaint was made?—A. It has been too high; I think that is the reason. I do not see the objection to the land tax. See how well it has worked in Egypt, and in India. Dicey says in his article that it is paid more readily than under the old government, because they know that they are being treated fairly, and that when it was once paid they would not be called upon to pay it again. I will read from Mr. Dicey's article: "Up to 1882 the acreage of taxable land in Egypt was calculated at 5,000,000. It is now increased by over 600,000 acres, or close upon 13 per cent. Yet the total amount of the land tax—the great permanent source of revenue in Egypt—is actually less in 1897 than it was in 1881."

According to Sir Edwin's figures the average land tax per acre has been diminished during the above period from 22s. to 18s. 3d. The arrears of land tax, which formerly attained colossal proportions, have now been practically paid off. The fellah, when once he had paid his annual contribution, has no longer any apprehension, as he had in the days of Ismail, of being called upon to pay again in advance long before the date of the next installment had become due.

Mr. GRAY:

Q. As you understood Mr. Reid's question in regard to the production of revenue from the taxes collected at the custom-houses; they were to be levied equally upon all nations, including the United States?—A. Yes.

PRELIMINARY REPORT OF DR. GEORGE F. BECKER, OF THE UNITED STATES GEOLOGICAL SURVEY, ON THE GEOLOGICAL AND MINERAL RESOURCES OF THE PHILIPPINES.

DEPARTMENT OF STATE,
Washington, November 4, 1898.

SIR: I have the honor to inclose, for the information of the commission, copy of a letter from the Secretary of the Interior, transmitting a copy of a preliminary report made by Dr. George F. Becker, of the United States Geological Survey, in regard to the geological and mineral resources of the Philippine Islands.

I have the honor to be, sir, your obedient servant,

JOHN HAY.

Hon. WILLIAM R. DAY,
Chairman of the United States Peace Commission, Paris, France.

(Inclosure: From Interior Department, October 29, 1898, with inclosure.)

DEPARTMENT OF THE INTERIOR,
Washington, October 29, 1898.

SIR: In May, 1898, by arrangement between the honorable the Secretary of War with this Department, Dr. George F. Becker, geologist, of the United States Geological Survey, accompanied the military expedition to the Philippine Islands, for the purpose of procuring information touching the geological and mineral resources of said islands.

Dr. Becker has made a preliminary report on the subject, a copy of which, together with a copy of a letter from the director of the Geological Survey, submitting the same for my consideration, are herewith transmitted for your information.

Very respectfully,

C. N. BLISS, *Secretary.*

The honorable the SECRETARY OF STATE.

MEMORANDUM ON THE MINERAL RESOURCES OF THE PHILIPPINE ISLANDS.

By GEORGE F. BECKER, *United States Geological Survey.*

This brief memorandum, prepared at the request of Admiral Dewey, probably covers all the main discoveries in the geology of the Philippines which are of economic interest. It is drawn up from data recorded in the Spanish mining bureau (Inspeccion de Minas), but not published, manuscript mine reports by the late William Ashburner, verbal information obtained in Manila, and from various technical publications, of Semper, Santos, Roth, Drasche, Abella, and others.

Only about a score of the islands are known to contain deposits of valuable minerals. These are arranged below in the order of their latitude to give an idea of their geographical distribution, and to facilitate finding the islands on the map. The latitude of the nothern end of each is taken as that of the island. The character of the valuable minerals stated in the table will afford a general notion of their resources.

Mineral-bearing islands and their resources.

Island.	Lat. N. end.	Character of mineral resources.
	° ′	
Luzon	18 40	Coal, gold, copper, lead, iron, sulphur, marble, kaolin.
Catanduanes	14 8	Gold.
Marinduque	13 34	Lead, silver.
Mindoro	13 32	Coal, gold, copper.
Carraray	13 21	Coal.
Batan	13 19	Do.
Rapu-Rapu	13 15	Do.
Masbate	12 37	Coal, copper.
Romblon	12 37	Marble.
Samar	12 36	Coal, gold.
Sibuyan	12 30	Gold.
Semerara	12 7	Coal.
Panay	11 56	Coal, oil, gas, gold, copper, iron, mercury (?).
Bilikan	11 43	Sulphur.
Leyte	11 35	Coal, oil, mercury (?).
Cebu	11 17	Coal, oil, gas, gold, lead, silver, iron.
Negros	11 ..	Coal.
Bohol	10 10	Gold.
Panaon	10 10	Do.
Mindanao	9 50	Coal, gold, copper, platinum.
Sulu Archipelago	6 30	Pearls.

The distribution of each mineral or metal may now be sketched in somewhat greater detail. In many cases the information given in this abstract is exhaustive, so far as the available material is concerned. The coal fields of Cebu, however, have been studied in some detail by Mr. Abella, and in a few other instances more extended information has been condensed for the present purpose.

COAL.

So far as is definitely known, the coal of the Philippine Islands is all of Tertiary age, and might be better characterized as a highly carbonized lignite. It is analogous to the Japanese coal and to that of Washington, but not to the Welsh or Pennsylvania coals. Such lignites usually contain considerable combined water (8 to 18 per cent) and bear transportation ill. They are also apt to contain much sulphur, as iron pyrite, rendering them subject to spontaneous combustion and injurious to boiler plates. Nevertheless, when pyritous seams are avoided and the lignite is properly handled, it forms a valuable fuel, especially for local consumption. In these islands it would appear that the native coal might supplant English or Australian coal for most purposes. Lignite is widely distributed in the archipelago; some of the seams are of excellent width, and the quality of certain of them is high for fuel in this class.

Coal exists in various provinces of the island of Luzon (Abra, Camarinos, Batan, Sorsogon). The finest beds thus far discovered appear to be in the small island of Batan, lying to the east of the southern portion of Luzon, in latitude 13° 19′. These seams vary from 2 feet 6 inches to 14 feet 8 inches in thickness. Analyses have been made in the laboratory of the Inspeccion de Minas, and the mean of seven analyses gives the following composition:

	Per cent.
Water	13.52
Volatile matter	37.46
Fixed carbon	44.46
Ash	4.56
Sum	100.00

One pound of this coal will convert 6.25 pounds of water at 40° C. into steam at 100° C. The heating effect is about three-fourths of that of Cardiff coal. The same beds are known to exist in other small adjacent islands, Carraray and Rapu-Rapu. A number of concessions for coal mining have also been granted on the main island of Luzon, just south of Batan, at the town of Bacon. No doubt the beds here are either identical or, at least, closely associated with the coal seams in the little islands.

The coal field of southern Luzon is said to extend across the Strait of San Bernardino into the northern portion of Samar. Here coal is reported at half a dozen localities, but I have been able to ascertain no details as to the thickness or quality.

In Mindoro there are large deposits of coal in the extreme southern portion (Bulacao) and on the small adjacent islands of Semarara. This fuel is said to be similar to that of Batan.

The islands of Masbate and Panay contain coal, the deposits of which thus far discovered do not seem of much importance. Specimens from the southwestern portion of Leyte, analyzed in the laboratory of the inspección de minas, are of remarkably high quality, but nothing definite about the deposit is known to me.

The first discovery of coal in the archipelago was made in the island of Zebu in 1827. Since then lignitic beds have been found on the island at a great variety of points. The most important croppings are on the eastern slope, within some 15 or 20 miles of the capital, also named Cebu. Though a considerable amount of coal has been extracted here the industry has not been a profitable one hitherto. This is at

least in part due to crude methods of transportation. It is said, however, that the seams are often badly faulted.

At Uling, about 10 miles west of the capital, the seams reach a maximum thickness of 15½ feet. Ten analyses of Cebu coal are at my disposal. They indicate a fuel with about two-thirds the calorific effect of Cardiff coal and with only about 4 per cent ash. Large quantities of the coal might, I suspect, contain a higher percentage of ash.

The island of Negros is nearly parallel with Cebu and appears to be of similar geological constitution, but it has been little explored and little of it seems to have been reduced to subjection by the Spaniards. There are known to be deposits of coal at Calatrara, on the east coast of Negros, and it is believed that they are of important extent. In the great island of Mindanao coal is known to occur at eight different localities, but no detailed examinations of any kind appear to have been made. Seven of these localities are on the east coast of Mindanao and the adjacent small islands. They indicate the presence of lignite from one end of the coast to the other. The eighth locality is in the western province called Zamboanga, on the gulf of Sigbuguey.

PETROLEUM.

In the island of Cebu petroleum has been found associated with coal at Toledo on the west coast, where a concession has been granted. It is also reported from Asturias, to the northwest of Toledo, on the same coast, and from Algeria to the south. Natural gas is said to exist in the Cebu coal fields. On Panay, too, oil is reported at Janinay, in the province of Iloilo, and gas is reported from the same island. Petroleum highly charged with paraffin is also found on Leyte, at a point about 4 miles from Villaba, a town on the west coast.

GOLD.

Gold is found in a vast number of localities in the archipelago from northern Luzon to central Mindanao. In most cases the gold is detrital, and found either in existing water courses or in stream deposits now deserted by the current. These last are called "aluviones" by the Spaniards. It is said that in Mindanao some of the gravels are in an elevated position, and adapted to hydraulic mining. There are no data at hand which intimate decisively the value of any of the placers. They are washed by natives largely with cocoanut shells for pans, though the batea is also in use.

In the Province of Abra, at the northern end of Luzon, there are placers, and the gravel of the River Abra is auriferous. In Lapanto there are gold-quartz veins as well as gravels. Gold is obtained in this Province close to the copper mines. In Benguet the gravels of the River Agno carry gold. There is also gold in the Province of Bontoc and in Nueva Ecija. The most important of the auriferous Provinces is Camarines Norte. Here the townships of Mambulao, Paracale, and Labo are especially well known as gold-producing localities. Mr. Drasche, a well-known German geologist, says that there were 700 natives at work on the rich quartz veins of this place at the time of his visit about twenty-five years since. At Paracale there are parallel quartz veins in granite, one of which is 20 feet in width and contains a chute in which the ore is said to assay 38 ounces of gold per ton. One may suspect that this assay hardly represented an average sample. Besides the localities mentioned, many others of this Province have been worked by the natives.

The islands of Mindoro, Catanduanes, Sibuyan, Simar, Panay, Cebu, and Bohol are reported to contain gold, but no exact data are accessible.

At the south end of the small island of Panaon, which is just to the south of Leyte, there are gold quartz veins, one of which has been worked to some extent. It is 6 feet in thickness, and has yielded from $6 to $7 per ton.

In the island of Mindanao there are two known gold-bearing districts. One of these is in the province of Surigao, where Placer and other townships show gravels and veins. The second district is in the province of Misamis. Near the settlement of Imponan and on the Gulf of Macajalar, there are said to be many square kilometers of gravel carrying large quantities of gold with which is associated platinum. The product of this district was estimated some years since at 150 ounces per month, all extracted by natives with bateas or cocoanut-shell dishes.

COPPER.

Copper ores are reported from a great number of localities in the Philippines. They are said to occur in the following islands: Luzon (provinces of Lepanto, Benguet, and Camarines), Mindoro, Capul,* Masbete, Panay (province of Antique), and Mindanao (province of Surigao). Many of these occurrences are probably unimportant. The great island of Mindanao, being practically unexplored, is full of possibilities; but as yet no important copper deposit is known to exist there. An attempt was made to work the deposit in Masbete, but no success seems to have been obtained. On the other hand, northern Luzon contains a copper region which is unquestionably valuable. The best known portion of this region lies about Mount Data, a peak given as 2,500 meters in height, lying in latitude 16° 53′, longitude 120° 58′ east of Greenwich or 124° 38′ east of Madrid. The range of which data forms one peak trends due north to Cape Lacay-Lacay and forms a boundary for all the provinces infringing upon it.

Data itself lies in the Province of Lepanto. In this range copper ore has been smelted by the natives from time immemorial, and before Magellan discovered the Philippines. The process is a complicated one, based on the same principles as the method of smelting sulphosalts of this metal in Europe and America. It consists in alternate partial roasting and reductions to "matte," and eventually to block copper. It is generally believed that this process must have been introduced from China or Japan. It is practiced only by one peculiar tribe of natives, the Igorrotes, who are remarkable in many ways.

Vague reports and the routes by which copper smelted by natives comes to market indicate that there are copper mines in various portions of the Cordillera Central, but the only deposits which have been examined with any care are those at Mancanyan (about 5 miles west of Mount Data) and two or three other localities within a few miles of Mancanyan. The deposits of Mancanyan are described as veins of rich ore reaching 7 meters in width and arranged in groups. Mean assays are said to show over 16 per cent of copper, mainly as tetrahedrite and allied ores. The gangue is quartz. The country rock is described as a large quartzite lens embedded in a great mass of trachyte.

* I am unable to find this island, which probably is a very small one.

An attempt has been made by white men to work these deposits, but with no considerable success. The failure does not seem to have been due to the quality or quantity of ore found.

LEAD AND SILVER.

A lead mine has been partially developed near the town of Cebu, on the island of the same name.

The most important deposit of argentiferous galena is said to be at Torrijos, on the small island of Marinduque (latitude 13° 34′). A metric ton, or 1,000 kilograms, is said to contain 96 grams of silver, 6 grams gold, and 565.5 kilograms of lead.

In Camarines, a province of Luzon, lead ores occur, but are worked only for the gold they contain.

IRON.

There is iron ore in abundance in Luzon, Carabello,* Cebu, Panay, and doubtless in other islands. In Luzon it is found in the provinces of Laguna, Pampanga, and Camarines Norte, but principally in Bulacan. The finest deposits are in the last-named province, near a small settlement named Camachin, which lies in latitude 15° 7′ and longitude 124° 47′ east of Madrid. A small industry exists here, wrought iron being produced in a sort of bloomery and manufactured into plowshares. The process has been described in detail, so far as I know. It would appear that charcoal pig iron might be produced to some advantage in this region. The lignites of the archipelago are probably unsuitable for iron blast furnaces.

QUICKSILVER.

Rumors of the occurrence of this metal in Panay and Leyte have failed of verification. Accidental losses of this metal by prospectors or surveyors sometimes lead to the reports of the discovery of deposits, and ochers are not seldom mistaken for impure cinnabar.

NONMETALLIC SUBSTANCES.

Sulphur deposits abound about active and extinct volcanoes in the Philippines. In Luzon the principal sulphur deposits are in Daclan, in the province of Benguet, and at Colasi, in Camarines. The finest deposit in the archipelago is said to be on the little Island of Biliran, which lies to the northwest of Leyte.

Marble of fine quality occurs on the small island of Romblon (latitude 12° 37′). It is much employed in churches in Manila for baptismal fonts and other purposes. Marbles are also quarried at Montalban in the province of Manila, and at Binangonan in the province of Marong.

There are processions for mining kaolin at Losbanos in Laguna province.

Pearl fisheries exist in the Sulu archipelago and are said to form an important source of wealth.

Manila, September 15, 1898.

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* I have not found this island on the map.

DATA CONCERNING THE PHILIPPINE ISLANDS: THEIR HISTORY, PEOPLE, GEOGRAPHY, GEOLOGY, RESOURCES, AND STRATEGIC IMPORTANCE.

INTRODUCTION AND NOTES ON THE STRATEGIC IMPORTANCE OF THE PHILIPPINES.

By Ensign EVERETT HAYDEN, *United States Navy.*

The data herewith, selected as carefully as possible in the short time at my disposal, consist for the most part of quotations from authoritative sources giving an outline history of the islands, their geology, geography, people, and resources. There is included also a copy of a special memorandum of information prepared for the President, by direction of the Secretary of the Navy, on the islands of Sebu and Negros, their mineral and other resources and availability as naval stations, and a compilation of data regarding coal and petroleum in the Philippines and vicinity, a subject of the greatest importance in connection with the present value and disposition as well as the future development of the islands.

Jagor, the well-known German authority, made the following striking prediction in the concluding words of his work on the Philippines, published in 1873:

> In proportion as the navigation of the west coast of America extends the influence of the American element over the South Sea, the captivating, magic power which the great Republic exercises over the Spanish colonies will not fail to make itself felt also in the Philippines. The Americans are evidently destined to bring to a full development the germs originated by the Spaniards. As conquerors of modern times, they pursue their road to victory with the assistance of the pioneer's ax and plow, representing an age of peace and commercial prosperity in contrast of that by-gone and chivalrous age whose champions were upheld by the cross and protected by the sword. A considerable portion of Spanish America already belongs to the United States, and has since attained an importance which could not possibly have been anticipated either under the Spanish Government or during the anarchy which followed. With regard to permanence, the Spanish system can not for a moment be compared with that of America. While each of the colonies, in order to favor a privileged class by immediate gains, exhausted still more the already enfeebled population of the metropolis by the withdrawal of the best of its ability, America, on the contrary, has attracted to itself from all countries the most energetic element, which, once on its soil and freed from all fetters, restlessly progressing, has extended its power and influence still further and further.

The actual present resources of the islands are well indicated in the accompanying papers, and in considering their future, under the control of one or more governments that develop and foster, rather than conceal and suppress, natural resources and native talent, we must bear in mind the probable vast increase in production, population, and commerce, accompanied by the introduction of modern methods and all the established improvements in transportation, communication, and sanitation. The commercial future of the islands, under such new conditions, will be a revelation to the world, and their strategic position and features must become of supreme importance in this great future field of commercial and naval rivalry.

It has been pointed out by a recent writer that the opening of the Suez Canal brought untold misery upon the comparatively happy and industrious Malays in the Philippines, inasmuch as it resulted in the establishment of a Spanish line of steamers, bringing bureaucratic administration in place of the old paternal régime and awakening into renewed life and activity the dormant curse of Spanish civil and military rule. It seems safe to predict, however, that with the opening of the Nicaragua Canal, which will put 500 miles of the Sulu Sea, from Surigao to Balabac, on the direct great-circle route of equatorial steam navigation around the earth, the dawn of a new and glorious era of prosperity will succeed the long night of nearly four centuries of Spanish domination.

The Philippines are very nearly as large in area as the British Isles; they are larger than New Zealand, and as large as Italy, with her own Sicily and Sardinia and French Corsica and British Malta added. Indeed, the eastern archipelago may be roughly compared to beautiful, fertile, volcanic Italy, only more so. Imagine the plains and hills of northern Italy rent from the snowy Alps by some volcanic cataclysm to form a big island like Luzon, with Genoa for Manila; southern Italy shattered into a score of islands, large and small, Masbate, Samar and Leyte, Negros and Sebu, Panay, Bohol; Sicily enlarged to thrice its size, like Mindanao, joined by a line of islets and reefs to the projecting cape of Tunis, as the Sulu Islands join that island to northeast Borneo; call Corsica Mindoro; elongate Sardinia to almost reach the African mainland, as Palawan does the northern point of Borneo. The inclosed Tyrrhenian Sea will then correspond to the Sulu Sea, the Mediterranean of the far East, through which commerce from the Pacific must pass on the direct route to Singapore, as it does here from Suez to Gibraltar: to the northward, the distant mainland (Austria, France, and Spain) will correspond to China, Tongking, and Siam; to the southward (Egypt, Tripoli, Tunis, and Morocco), to New Guinea, Celebes, Borneo, and Sumatra; and the strategic importance of the archipelago, in peace or war, is clearly manifest.

This great inland sea, the Sulu or Mindoro Sea, if once well charted, its channels lighted and buoyed, its Malay pirates suppressed, its fertile islands cultivated and their mineral wealth explored, must become the scene of an enormous commerce, composed not merely of the vessels of a local coasting trade, but the seagoing ships and steamers of every nation engaged in the Asiatic, East Indian, and Australasian trade. The completion of the Nicaragua Canal may result in the establishment of an equatorial steamship line whose vessels will circumnavigate the globe on schedule trips in eighty days, and the great-circle route from Brito, Nicaragua, to Singapore, via Honolulu and Guam Island, passes diagonally through 500 miles of the Sulu Sea, from Surigao Strait to Balabac.

Similarly, the shortest route from Hongkong to all Australian and New Zealand ports, from Tongking to New Caledonia, from the Yellow Sea to eastern Java, Celebes, and west Australia, and from the entire North Pacific Ocean to the Straits of Sunda and Singapore, is by way of the channels of the Philippine archipelago and its great inland sea.

Strategically the Philippines are admirably located for commercial and naval operation, in peace or in war, but every consideration of offensive or defensive war, as well as the preservation of peace, seems to me to require that the entire group shall be the property of a single power; indeed, it were far better for that power to own also what is now British North Borneo, bounding the Sulu Sea to the southward.

One might think, from a casual glance at a map, that the defense of this great inland sea, with its intricate channels and numerous islands, exits, and entrances, would be difficult if not impossible. A closer examination of a chart, however, shows but seven clear channels, four on the east (San Bernardino, Surigao, Basilan, and Sibutu) and three on the west (Verde, Mindoro, and Balabac). Good harbors, timber, iron, and coal are prolific, even now when the ultimate resources of the islands are not even estimated; hemp, the best in the world, is the product par excellence of this region. In fact the entire matériel of modern naval warfare is at hand, awaiting only the personnel to utilize it. Coal, the very life of modern commerce and naval war, is abundant in many islands of the group and may occur in all. The ownership of such resources, so near at hand, by a commercial rival and possible enemy, and the establishment close by of naval coaling stations and dock yards, would not tend toward the preservation of peace or the successful finish of a prospective war.

It is not, probably, either desirable or necessary to go into details here regarding the strategic value of the various islands, harbors, and channels, better shown on charts than in type, nor to discuss the relative value of each. In fact, as stated above, all are so intimately related that it is practically impossible to disassociate them in any scheme of offense or defense.

It will be better for the welfare of the native inhabitants, for the commercial interests of all nations, and for the peace of the world if the control of the entire group of the Philippine Islands remains permanently in the hands of the United States. The more one studies the subject, in the light of past history and the certainty of a vast future expansion of our trade with China and Australasia, the more convinced does he become that sovereignty over the entire group, from the little islands north of Luzon to the farthest coral reefs that stretch toward the equator from Palawan and the Sulu Islands, is essential to our future potential energy in the far East.

Even the wild and unexplored Palawan, which forms a natural breakwater for 300 miles against the sweep of the southwest monsoon, is capable, if occupied, developed, and fortified during long years of peace, of becoming a formidable base of operations in time of war. The importance of Manila is due largely to its being for centuries the capital of the archipelago and the reservoir of its productions and supplies. Divide the group and you cut off streams of wealth that help fill the reservoir. With a rival established at Tacloban, Iloilo, Sebu, or even Ulugan, the enormous resources of the Visayas and Mindanao might, and probably would, be diverted to build up a metropolis that would surpass Manila in wealth and importance. Strategically the Philippines seem, like our Union, to be "one and inseparable."

SEBU AND NEGROS ISLANDS, PHILIPPINES: THEIR MINERAL AND OTHER RESOURCES AND AVAILABILITY AS NAVAL STATIONS.

1. The inclosed data have been prepared for the President in compliance with the order of the Secretary of the Navy dated August 8, 1898.

2. The information has been compiled in this office, from records on file here, together with quotations and abstracts of information taken from books in the library of the Navy Department and the United States Geological Survey. In the latter library a large collection of books on this general subject has been made, and a catalogue of publications relating to the Philippines.

3. The data herewith consist of an outline map of the Philippines.* upon which the principal coal-bearing islands, so far as known, have been shaded in green, and quotations and abstracts from various publications relating to the two islands under consideration, including extracts from recent consular reports published by the State Department,[1] and cablegram from our naval attaché in Paris.

4. Negros and Sebu are about the center of the Philippine group, forming part of what are called the Bisayas or Visayas Islands. Negros comprises about 5,000 square miles, and Sebu about half as many. They are long, in a north-south direction, and narrow, and separated by the Strait of Tañan. A volcanic mountain ridge stretches the whole length of each island, rising to a height of about 9,000 feet in the north of Negros. The flanks of the ridges and the low lands near the coasts are covered with luxuriant tropical vegetation.

5. The principal coal deposits thus far developed occur in these two islands and in Masbate and Batan,[2] farther north. The coal, while inferior in quality, makes a good steaming coal when mixed with anthracite or Cardiff coal, and doubtless, when the mines are developed, will prove very valuable for naval and commercial uses.

6. The geological formation of the entire group seems to be like Borneo to the southward and Formosa to the northward, the carboniferous beds being broken through by volcanic peaks, their exposed edges upturned along the flanks of these peaks and partly covered by lava flows, etc., thence dipping under the limestone and coral beds near the sea. There seems to be no reason to doubt that the coal-bearing beds may be found upon any and all of the islands of the entire Philippine group, connecting the already developed mines of Borneo with those of Formosa. All the islands give strong indications of other mineral wealth, such as gold, copper, iron, lead, and precious stones. Their development hitherto has been haphazard and unscientific, but the results achieved are very promising.

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[1] Omitted here.

[2] A little island southeast of Luzon, lat. 13° 15′ N., long. 124° 05′ E.

7. With regard to the availability of Negros and Sebu for naval tations. the port of Sebu, one of the oldest in the Philippines, is small, ut easily defended, and might make a useful naval and coaling station, ot equal, in any way, however, to Iloilo, Manila, or Subig Bay, except- ng for its nearness to known coal deposits. It should be noted that hese islands in the central portion of the group can only be reached hrough narrow straits with intricate navigation, and if light-houses nd other aids to navigation in these straits were in the hands of another ower than that owning these two islands, they would be more or less naccessible, especially in time of war.

8. The value of Negros and Sebu as naval stations for this country vould be greatly lessened if various other nations established stations n other islands of the Philippine group; as coal is likely to occur in ny of the islands, the tendency to establish such stations would appar- ently be very great, in addition to the agricultural and mineral wealth f the region.

EVERETT HAYDEN,
Acting Chief Intelligence Officer.

OFFICE OF NAVAL INTELLIGENCE,
Navy Department, August 9, 1898.

[Coal Trade Journal, May 1, 1895, p. 349.]

Coal mining in the Philippine Islands.—The coal deposits in the island of Sebu are now being extensively developed. They are receiving the support of the Government, in that they are giving preference to native over foreign coal.

[Hongkong, 1895, Chronicle and Directory for China, Japan, etc.]

This is the capital of the Island of Sebu, and ranks next to Iloilo among the ports of the Philippines. It was at one time the seat of the administration of revenue for the whole of the Visayas, but this was removed to Manila in 1840. Sebu is a well-built town and possesses fine roads, but the people are devoid of commercial enterprise. The trade of Sebu consists principally of hemp and sugar. The neighboring islands of Leyte, Mindanao, and Camiguin possess extensive hemp plantations, a large proportion of the produce of which finds its way to Sebu for shipment. There are some very valuable and extensive coal deposits in the Island of Sebu, but the mines have not as yet been worked with any enterprise. The trade in 1892 is represented by the following figures: Imports, $165,881; exports, $2,448,433, as compared with $263,695 and $3,638,039, respectively, in 1891. The principal exports of 1893 were: Sugar, 17,246,442 kilograms, and hemp, 23,299,015 kilograms.

[Stanford's Compendium of Geography, Vol. II, p. 81-82.]

Sebu, or Cebu, is a long and narrow island, lying immediately to the east of Negros, from which it is separated by a strait from 5 to 15 miles wide and over 100 miles in length. Sebu is 130 miles long and not more than 20 miles broad in its widest part and contains 2,275 square miles, or rather less than half the area of Negros. Several chains of mountains of no great height traverse it from north to south, but little is known of its geology except that it produces gold, silver,

and lead, and has no active volcanoes. Coal occurs abundantly, and is of fairly good quality; but the complete neglect of all mineral wealth by the Spaniards is exhibited here as elsewhere. The inhabitants are almost exclusively Biscayans, but there are said to be a few Negritos. The population has greatly increased of late years, owing to the great development of the sugar and abaca cultivation, and now numbers 518,000, but locusts and low prices have recently dealt as heavy a blow to Sebu as to Panay. In all these islands sugar growing will probably give place to hemp or some more paying crop. In 1890 only 3,000 tons were exported, as against 11,000 tons in 1889, and while in the latter year 34 vessels—almost all of which were British—entered the port, the number in 1890 only amounted to 14.

The capital, Sebu, dignified by the title of city, is the oldest settlement in the Philippines, and was the seat of government until the founding of Manila. It was the first place of any importance visited by Magellan on his discovery of the group, and it was upon the little island of Mactan, which forms the harbor of Sebu, that he met with his death on the 27th April, 1521. Fifty years later Legaspi planned and built the city. It is picturesquely situated and has a fine cathedral and several churches, but the population is not large. The island forms a province of itself, under the administration of a military governor.

[Hongkong, 1895, Chronicle and Directory for China, Japan, etc.]

The island of Negros is extremely fertile and contributes three fourths of the sugar shipped from Iloilo, the quality of which is excellent.

[Stanford's Compendium of Geography, Volume II, p. 80.]

Negros lies to the southeast of Panay, from which it is separated by a strait about 15 miles in width. It is 130 miles long and on the average about 30 miles wide. Its area is 4,650 square miles. Its coast is comparatively little broken by bays or inlets, and it has no good harbors. A central chain of mountains runs through its entire length. For the most part these are of no height, but the Malaspina or Chalcon volcano, situated towards the northern end, forms an exception. Its height is estimated at 8,192 feet, and it is in a state of intermittent activity. Owing to the narrowness of the island, there are no navigable rivers. The inhabitants are chiefly Bisayans, and number with the Negritos, from whose abundance the island received its name, about 226,000.

The island is fertile, and produces sugar, rice, tobacco, and the textile abaca and pina, and in common with Sebu and Samar a large amount of cacao. Its coal mines appear to be no longer worked. The capital is Bacolod, on the west coast opposite to Iloilo, where the "politico-military" governor resides, and there are numerous large villages around the coast, though few in the interior. Hinigaran, the former capital, contains over 12,000 inhabitants.

[Stanford's Compendium of Geography, Volume II, p. 34.]

Lead occurs in Sebu, and iron ores are very abundant in Luzon and Mindanao. That there are extensive coal measures in the archipelago there is little doubt, but they have been little exploited, and coal forms one of the largest imports of the group. The Compostela mine only turned out 700 tons in 1881. As yet no deep shafts have been driven, and what has been obtained affords very rapid combustion, and is not well suited for steamers. Sebu and Negros are especially rich in this

product. Since the archipelago lies midway between the great coal beds of northern Borneo and Formosa, it is probable that the mineral will in future be worked to great advantage.

[British Admiralty, Eastern Archipelago, Part I, Eastern Part, 1890.]

Negros Island.—So called from the number of Negritos or Actas found on it by the Spaniards; is about 118 miles long, and though larger than Sebu Island is neither so rich nor so populous. Its coast is very little broken by bays or inlets, and does not contain any good harbor. A central chain of mountains runs through it from north to south, which attains its greatest height toward the latter point. The rivers are but small, and unfit for the navigation of vessels of burden.

The island produces the best cocoa in the Bisayas, besides rice, maize, sugar, tobacco, cotton, and abaca [a variety of the banana plant from which Manila hemp is obtained].

NOTE.—The Encyclopædia Britannica says the population in 1887 was 175,000.

[From same publication as above.]

Sebu Island.—Sebu is an island of some importance and interest, as its port has been thrown open to foreign commerce. It is long and narrow, 114 miles in length, with a greatest width of 18 miles in the northern part. A chain of mountains traverses the island through its entire length, containing beds of mineral coal and, it is stated, veins of gold. The rivers are numerous but small, and generally unfit for either navigation or irrigation. With the exception of a few fine valleys, cultivation is confined mainly to the seaboard. The population of the island is estimated at 38,000 souls. The chief exports are sugar, oil, hemp, tobacco, coffee, and pina silk. The chief imports are European goods, coal, and rice.

[NOTE.—The Encyclopædia Britannica says the population in 1867 was 452,000. Reclus gives it as 518,000.—E. H.]

[By Sir JOHN BOWRING, London, 1859.]

Speaking of minerals, it is stated that gold is found in many of the islands—"the mountains of Caraga and Zebu are the most productive. Many Indian families support themselves by washing the river sands. In the time of heavy rains gold is found in the streets of some of the pueblos when the floods have passed." Iron is also found in various islands. "A coal mine is being explored in Guila Guila, in the Island of Zebu, on the river Manango, at a distance of about 6 miles from the town of San Nicholas, which has nearly 20,000 inhabitants, and is by far the largest town in the island. There are reported to be strata of coal from 1 to 4 feet in thickness." Various copper mines have been worked from time immemorial, and favorable reports sent to Europe.

[From the American Naturalist, September, 1886.—By J. B. Steere.]

The south end of Negros has appeared, as we passed around it, a great stretch of grassy plains and hills, now dry and yellow, and burned over in some places. The mountains approach nearer at Dumaquete, and we could see forests on their heights. They were volcanic, and what we judged to be ancient lava streams extended down from a height of two or three thousand feet to near sea level, and with such an even grade that they looked like gigantic railroad embankments. * * * We found it [a variety of plant known as abaca, a so-called mineral hemp]

growing luxuriously at a height of 3,000 feet, while those varieties used for food thrived best near sea level and in the greatest heat. * * * Deer and wild hogs were abundant.

[From Travels in the Philippines.—By F. Jagor, London, 1875.]

"Sebu, with a population of 34,000, is the chief town of the island of the same name, the seat of government and of the bishop of the Bisayans, and within 48 miles[1] of Manila by steamer. It is as favorably situated with regard to the eastern portion of the Bisayan group as Iloilo is in the western, and is acquiring increased importance as the emporium for its products." Among products mentioned are sugar, tobacco, rice, coffee, wax, Spanish cane, and mother-of-pearl. "The island of Sebu extends over 75 square miles.* A lofty mountain range traverses it from north to south, dividing the east from the west side, and its population is estimated at 340,000—4,533 to the square mile.* The inhabitants are peaceable and docile; thefts occur very seldom, and robberies never. Their occupations are agriculture, fishing, and weaving for home consumption. Sebu produces sugar, tobacco, maize, rice, etc., and, in the mountains, potatoes; but the rice produced does not suffice for their requirements, there being only a little level land, and the deficiency is imported from Panay. The island possesses considerable beds of coal, the full yield of which may now be looked for, as the duty on exports was abandoned by decree of the 5th of May, 1869.

According to the Mineral Review, Madrid, 1866, the coal in Sebu is dry, pure, almost free of sulphur pyrites, burns easily and with a strong flame. The coal of Sebu is acknowledged to be better than that of Australia and Labuan, but has not sufficient heating power to be used unmixed with other coal on long sea voyages. According to the catalogue of the products of the Philippines (Manila, 1866), the coal strata of Sebu have, at many places in the mountain range, which runs from north to south across the whole of the island, approached a thickness of 2 miles. The coal is of middling quality, and is burned in the Government steam works after being mixed with Cardiff. Average price, Sebu, $6 per ton.

[From Oceanica.—By Elisée Reclus, New York, 1890.]

The whole surface of the Philippines is essentially mountainous, the only plains that occur being the alluvial districts at the river mouths and the spaces left at the intersection of the ranges. Most of the surface appears to be formed of old rocks, especially schists, and, in the north of Luzon, granites. Extensive coal fields are found in the central islands, especially Cebu and Negros, and in many places these carboniferous beds seem to have been buried under more recent lavas. Later limestones have also been developed by the coral builders round all the seaboard, and there is clear evidence that along extensive stretches of the coast line these formations have been upheaved to a considerable height above sea level. They form at some points broad horizontal tables round the headlands, and here are found shells and other marine remains belonging to the same species still living in the surrounding waters. But about the Gulf of Davao, in South Mindanao, the contrary movement of subsidence has taken place, as shown by the dead or dying forests invaded by the sea.

The Philippines abound in minerals. The natives collect gold in the

[1] Evidently German miles, of which 1 (linear) = 4¾ statute.

alluvia of all the islands, but especially in the province of Benguet, central Luzon, and about the northeast point of Surigao, in Mindanao. Copper is common in the Lepanto hills, bordering on the same central district of Luzon, where from time immemorial the natives have extracted the ore and wrought it into implements and ornaments. The blacksmiths also have at hand an excellent iron ore for their arms and instruments. Cebu is said to contain lead glance yielding nearly half of its weight in pure metal, while the solfataras of many extinct volcanoes have formed inexhaustible deposits of sulphur.

[Extracts from Letters of German Captains. XV. Hansa, Vol. 21. 1884, p. 147.]

The harbor of Zebu, capital of the Philippine island of the same name, is formed by a very narrow arm of the sea separating the island of Mactan from that of Zebu. It has a northern and a southern entrance, both very small and narrow, especially the northern one, where it is quite impossible to pass by a vessel of over 200 or 300 tons. On the other hand, there would be no difficulty in passing even a larger ship in the southern entrance.

There are for both entrances regularly appointed government pilots, who are supposed to be stationed in the northeast monsoon, near the light-house at the northern entrance, and in the southwest monsoon, near the beacons Norma and Lipata, at the southern entrance. When I came from Manila and passed the light-house at the northern entrance about 4.30 o'clock p. m., there was no pilot in sight (perhaps because it was Sunday), but as I had a good Spanish chart, and as the channel moreover is well indicated by buoys on both sides, I went on and got a pilot shortly before dark not far from the old tower Mandaui. This is the narrowest place of the channel, hardly wide enough for a larger ship lying at anchor to swing around. Although we now had the current against us, a light land breeze took us to a safe anchoring place. In the northeast monsoon the anchoring place southwest of the fort is in 16 to 20 meters depth. Ships are moored with chains of about 60 meters each. There is a regular ebb and flood tide, but high and low water never coincide with the change of the current. Besides, there seem to be, at the anchoring places of the larger ships, several counter currents (eddies), for the ships lie very uneasy, rolling from side to side, and hardly have the chains been made clear during the day when there is another half turn or round turn found in them in the morning.

The best plan is, in case there is already a round turn in the chain, to make the two chains fast together, and then to give plenty of play to one chain. How great the strain is on a taut chain when the ship swings is shown by the fact that from our starboard chain, which was pretty taut, a link 2 inches thick was twisted loose and broken. If the chains had not been fastened together we should have lost anchor and chain. There are three wharves here, but only one of them, the one farthest east, is sometimes used by steamers and by sailing vessels arriving with cargoes of rice and salt. For use by them there are two iron mooring-buoys south of the wharf (bridge). * * *

Hard wood is good and cheap. Calking work can be done by the natives; forging, if not too expensive, by Chinese or natives.

Fresh water, I am told, is paid for at the rate of $1 per barrel. We got all of our drinking water ourselves, partly from the well near the fort, partly from that near St. Nicholas Church; the latter water is the better of the two. * * * —A. L.

[Copy of cablegram received August 5, 1898, from naval attaché at Paris.]

Have received reliable information that the commander in chief (of) the German squadron in China recently forwarded to Berlin, Germany, extensive report (of the) German engineer on mineral resources of the Philippine Islands, particularly coal deposits, all of which described containing considerable sulphur, excepting one deposit which, being free from sulphur, is necessary to the development of the mineral resource. I can not give name of the island containing this deposit.

NOTE.—A later telegram from naval attaché at Berlin states that the island above referred to is probably Sebu.

COAL AND PETROLEUM IN THE PHILIPPINES AND VICINITY.

[Encyclopædia Britannica, 9th ed., p. 749.]

Minerals.—Though hitherto little advantage has been taken of its existence, there appears to be in several of the islands a fair amount of mineral wealth. Two coal fields are known to exist, one beginning in Caransan in the south of Luzon, and probably extending southward across the Strait of San Bernardino to Catbalongan, in Samar, and another occupying the western slopes of Cebu and the eastern slopes of Negros, and thus probably passing under the Strait of Tañon. In the first basin there is a bed from 10 to 12 feet thick cropping out of Gatbo, which has given good results as a fuel for steamboats; in the second Centeno reports at least 5 beds, of varying thickness and quality. The first discovery of the mineral was made in Cebu in 1827. Hitherto little success has attended the schemes of exploitation.

[Encyclopædia Britannica, 9th ed., Coal, p. 59.]

In the Dutch settlements, coal has been found in Sumatra and Borneo, the best known deposit being that at Pengaran, on the southeast of the latter island, where a mine has been worked by the Dutch authorities for several years. * * * In the British island of Labuan, off the north coast of Borneo, five workable seams, together about 27 feet thick, are estimated to cover the whole island.

The most important southern coal deposits, however, are those of Australia, which extend, with short intervals, from the Gulf of Carpentaria to Bass Straits. In the northern districts the distribution appears to be somewhat similar to that seen in South America, Secondary and Tertiary basins occupying the ground near the sea, while true carboniferous coal is found further inland.

[Encyclopædia Britannica, 9th ed., under Formosa, p. 416.]

Coal, sulphur, and petroleum are the only mineral productions of Formosa which are known to exist in quantities sufficient to make them of economical importance. The principal coal fields are in the north of the island, near Kelung and Tam-sui, and the coal is all shipped in Kelung Harbor: In 1873, 45,000 tons; in 1874, 15,221 tons; in 1875, 27,665 tons; in 1876, 31,593 tons.

[From the Statesman's Year-Book, 1898.]

Gold mining is being carried on in Luzon with favorable prospects, and coal mining in Cebu, where, when arrangements for carriage are completed, the output is expected to be about 5,000 tons per month.

Longman's Gazetteer of the World, London, 1895, says that coal occurs in Luzon, Caransan, Negros, and Cebu.

[Australasia, Vol. II. Guillemard. In Stanford's Compendium of Geography, London, 1894.]

Philippine Islands (p. 35).—That there are extensive coal measures in the archipelago there is little doubt, but they have been little exploited, and coal forms one of the largest imports of the group. The Compostela mine (Zebu) only turned out 700 tons in 1881. As yet no deep shafts have been driven, and what has been obtained affords very rapid combustion and is not well suited for steamers. Zebu and Negros are especially rich in this product. Since the archipelago lies midway between the great coal beds of northern Borneo and Formosa, it is probable that the mineral will in the future be worked to great advantage.

Panay (p. 79).—Gold, copper, iron, and quicksilver have been found, and coal in Antique, but none of these are worked.

Negros (p. 80).—Its coal mines appear to be no longer worked.

Zebu (p. 81).—Coal occurs abundantly and is of fairly good quality, but the complete neglect of all mineral wealth by the Spaniards is exhibited here as elsewhere.

Samar (p. 82).—Coal is found, but no attempt has been made to investigate the minerals of the island.

Mindanao (p. 87).—It is probable that gold exists in tolerable quantities, and coal also.

Java (p. 105).—Coal, indeed, is plentiful, but it is poor, occurs in thin strata, and hardly repays working. Sulphur is abundant, and a further exploitation of the mineral oils should give good results.

(P. 138). The mineral-oil lamps which light nearly every peasant's hut consume over 20,000,000 gallons per annum. Concessions were granted in 1890, both in Java and Sumatra, for the working of petroleum, and the prospects are said to be very encouraging.

Sumatra (pp. 208, 209).—The mineral wealth of Sumatra still remains for the most part undeveloped, although it is probable that before long the rich coal fields of Ombilin, which are situated toward the head waters of the Batang Hari, will be opened. They were discovered in 1869, and have been estimated by M. de Grève to contain 370,000,000 cubic meters. The mineral is of the Tertiary period, as it is probable that most of the Sumatran measures will prove to be. M. Forbes found coal in the Palembang district, and it exists near Malabu and other places in Ache. South of Padang, at Moko-moko, it is worked. * * * Concessions were granted in 1891 for working some petroleum wells lately discovered.

Borneo (pp. 219–221).—The abundance and wide distribution of coal in the islands is remarkable. In this respect Borneo is by far the richest of all the islands of the Malay Archipelago. Schwaner says:

> The occurrence of coal is more widespread than one might be led to think by a first examination. In the whole of the hill formation it constitutes a most important and almost never-failing factor. All fissures and openings that have been made use of for the investigation of the underground geology have led to the discovery of coal seams, and even the banks of the great rivers disclose them in many places.

As far as is known, there is no coal of greater age than the Tertiary period. Most of it belongs to the Eocene, but the brown coals of the Miocene also occur plentifully.

Mr. Motley, in his report on the geology of Labuan and neighborhood, gives the following interesting description of its peculiarities:

> The coal, dense and perfectly carbonized as it is, yet exhibits most unequivocally its vegetable origin, and not only that, but even the kind of vegetation of which it has been composed is evident from the most cursory inspection of the heaps of coal brought out of the levels. It is clearly the product not of a bed of peat produced

by the decay of small vegetation, but of a mass of huge timber. At least one-half of the mass displays the grain and structure of wood, and frequently it separates naturally into the concentric layers of dicotyledonous wood. All the specimens I have examined have exactly the structure of the dipteraceous trees now forming the bulk of the timber growing above them. The trees must have been of vast dimensions. I traced one trunk upward of 60 feet, and for the whole of that distance it was not less than 8 feet wide. * * *

It is remarkable that such an evidently recent formation should be so much upheaved, the coal measures of Labnan and Brunei dipping from an angle of 24° to nearly or quite vertical, the dip being north northwest, or about at right angles to the direction of the great chain of mountains which rises nearly parallel to the coast. Mr. Motley's account of this coal formation would lead us to conclude that dense tropical forests growing on an extensive plain or river delta have been suddenly overthrown by flood or earthquake, or by sudden depression of the land, and had been covered with a deposit of clays or sands. He well remarks on the quantities of trees and shrubs which in the Tropics grow on the seashore, or even in the salt water, and thus accounts for the presence of marine shells in the shales, and even in the coal itself.

(Pages 245–246:) The coal measures are practically inexhaustible, and have been worked at various places in almost every part of the island, both by Europeans and natives. The results, however, have been almost uniformly unsuccessful, but this failure must be ascribed to the undeveloped state of the country and other causes of secondary importance, and the mines will doubtless be worked with remunerative results in the future. The "Julia Hermina" mine, near Banjarmasin, which promised well, was hardly completed when, in 1859, an insurrection took place, the European staff were murdered, and the works completely destroyed. The Pengoran coal mine, also in the neighborhood of Martapura, was commenced in 1848, but did not average a larger annual output than about 6,000 tons, and was abandoned in 1884, as was also the neighboring Asahan mine, which had been working fourteen years with much the same results. A mine was also working in Koti, abandoned, and once more reopened in 1886.

In Sarawak the raja opened a mine on a tributary of the Sadong River in 1880, the prospects of which are promising, nearly 50,000 tons having been raised in 1886. He also purchased, two years later, a concession for the working of the seams at the mouth of the Brunei River. On the island of Labuan is a mine, till lately abandoned, which has caused the failure of three or more companies, but is now being successfully worked; while in Pulo Laut, the large island at the southeast point of Borneo, about 5,000 tons are yearly raised by the natives and supplied to Dutch steamers. There is little doubt that petroleum, which has been found in many places, will eventually become a workable and most valuable product.

Labuan (pp. 254–255).—The island of Labuan is situated on the northwest coast of Borneo, opposite the mouth of Brunei Bay. * * * The coal mines are now being worked by the new Central Bornean Company, who have steamers running twice a month to Singapore.

Celebes (p. 301).—Coal is found in various places in the Makassar district.

(Page 304.) Coal of an inferior quality is found on the island.

The Moluccas (p. 325).—Near Batjan are some coal mines which have been worked intermittently, though to no great profit, for nearly half a century.

Obi Group (p. 326).—Coal and lignite exist, and probably gold, but

no explorations have been made, and the existing charts of the island are extremely inaccurate.

Ceram (p. 329).—Coal exists, but of what period does not seem clear.

New Caledonia (p. 457).—Gold, antimony, mercury, silver, lead, copper, nickel, cobalt, and chrome have all been obtained, as well as coal of various kinds. * * * The coal beds are believed to occupy a very large area. Of late the Government has charged itself with their exploration, and they are about to be worked; but hitherto they have produced nothing for want of capital and proper labor. It is estimated that the coal, which is said to be of good quality, can be sold at Noumea for as low a price as 12s. per ton.

[Coal Trade Journal, May 1, 1895, p. 349.]

Coal mining in the Philippine Islands.—The coal deposits in the island of Sebu are now being extensively developed. They are receiving the support of the Government in that they are giving preference to native over foreign coal.

[Hongkong, 1895, Chronicle and Directory for China, Japan, etc.]

Sebu.—There are some very valuable and extensive coal deposits in the island of Sebu, but the mines have not as yet been worked with any enterprise.

[British Admiralty, Eastern Archipelago, Part I, Eastern Part, 1890.]

Sebu Island.—A chain of mountains traverses the island through its entire length, containing beds of mineral coal.

[Bowring, London, 1859.]

Cebu.—A coal mine is being explored in Guila Guila, in the island of Cebu, on the River Manango, at a distance of about 6 miles from the town of San Nicholas, which has nearly 20,000 inhabitants, and is by far the largest town of the island. There are reported to be strata of coal from 1 to 4 feet in thickness.

[F. Jagor, London, 1875.]

Sebu.—The island possesses considerable beds of coal, the full yield of which may now be looked for, as the duty on exports was abandoned by decree on the 5th of May, 1869.

According to the Mineral Review, Madrid, 1866, the coal in Sebu is dry, pure, almost free of sulphur pyrites, burns easily and with a strong flame. The coal of Sebu is acknowledged to be better than that of Australia and Labuan, but has not sufficient heating power to be used unmixed with other coal on long sea voyages. According to the catalogue of the products of the Philippines (Manila, 1866), the coal strata of Sebu have, at many places in the mountain range which runs from north to south across the whole of the island, approached a thickness of 2 miles. The coal is of middling quality and is burned in the government steam works after being mixed with Cardiff. Average price, Sebu, $6 per ton.

[From Oceanica, Elisée Reclus, New York, 1890.]

Extensive coal fields are found in the central islands, especially Cebu and Negros, and in many places these carboniferous beds seem to have been buried under more recent lavas.

[Board of Trade Journal, London, May, 1898.]

A dispatch, dated 6th April last, has been received at the foreign office from Her Majesty's minister at The Hague, transmitting statement of the production of petroleum in the Dutch East Indies, according to which, in the course of the past year or two, there has been a considerable development of this industry, which promises to become very extensive. The prospective market for the product is a very large one, for not only among the natives of the Dutch East Indies is petroleum pretty sure to replace to a great extent the cocoanut oil now used for lighting purposes, but the whole of the eastern coasts of Asia, and especially China, will almost undoubtedly become consumers.

The oil obtained in Sumatra is reported to be of excellent quality, with a higher flashing point and with a smaller loss in refining than the current American oils, while the cost of production is asserted to be materially lower than that of the latter.

Among the most important enterprises lately brought before the Dutch public is the Mocara Enim Concession in Sumatra. This concession appears to have been pitched upon by the well-known American monopoly, the Standard Oil Company, for the purpose of obtaining a footing in Netherlands India.

Proposals were made to and entertained by the board of the Mocara Enim Company by representatives of the Standard Oil Company which would have had the effect of bringing the first-named company's operations directly under the control of the latter, and a general meeting of the shareholders of the Mocara Enim Company was advertised to have been held in the last days of February last for the purpose of ratifying the proposed agreement.

Immediately before the day fixed for the meeting, however, the board of the Mocara Enim Company received from the Netherlands colonial minister a categorical declaration to the effect that the company's concession, which is of a preliminary nature only, would not be ratified should the company be placed under the control of the American monster monopoly. The meeting had in consequence to be postponed.

It is understood that negotiations with the Standard Oil Company have been broken off for the present; but it is stated that the latter company had already purchased a considerable interest in the Mocara Enim Company.

Since the interference of the colonial minister the Royal Netherlands Petroleum Company, for the exploitation of petroleum wells in the East Indies, which is the principal undertaking of that nature in Sumatra, has also made proposals to the Mocara Enim Company with a view to a practical amalgamation.

As yet, however, no decision has been arrived at by either company as to the course to be adopted, but it is thought probable that a meeting of the Mocara Enim Company will be held shortly.

Cebu.—The two coal mines situated in the east coast of the island of Cebu are said to yield sufficient coal to supply the local demand, and the quality is stated to be a little inferior to Australian and better than Japanese.

Amour Valley.—The Amour Valley and those of several of its tributaries are rich in coal. In the valley of the Zeya, near its confluence with the Selendja, is found an inferior mineral, and in the Boureya Valley almost vertical seams have been proved in three or four places. In the neighborhood of Innokentieva, on the Amour, several lignite seams, 3 feet thick, are worked by the inhabitants, and on the lower Amour a series of seams, together 6½ feet thick, has been discovered.

Near Vladivostok coal deposits abound, while they also occur on the shores of the Japan Sea.

Sakhalin.—Coal has been largely worked for forty years in Sakhalin, and at the present time attention is being especially directed to the deposits discovered in the immediate neighborhood of the gold mines on the shores of the Okhotsk Sea.

[Engineering, London, August 12, 1898.]

Gold is also found in some quantity, and there are two coal mines situated on the east coast of the island of Cebu, which yield sufficient coal to supply the local demand, and the quality is stated to be little inferior to Australian and better than Japanese.

[Advance Sheets of Consular Reports, No. 131, June 3, 1898.]

Ambassador Hay sends from London, under date of May 18, 1898, a pamphlet, written by Mr. Frank Karuth, F. R. G. S., entitled A New Center of Gold Production, describing conditions in the Philippines. Mr. Karuth, who is president of the Philippines Mineral Syndicate, Limited, says in the letter to Ambassador Hay accompanying the pamphlet:

* * * I do not know of the occurrence of true coal in the islands. The beds which have been intermittently worked in the islands of Cebu and Masbate consist of lignite of very good quality. Some years ago large outcrops of such coal were found near the beach in the island of Masbate; but most of it, which could be got without mining, has been removed for the use of interinsular steamers. One of the syndicate's engineers, a man of experience as manager of coal mines in Lancashire, found Masbate coal quite useful for steamers. He calculates the quantity of coal available in a concession of about 60 acres at 1,200,000 tons. The Masbate beds are so tilted as to form an angle of 70° with the horizontal. * * *

Masbate.—The coal which up to present times has been found in the Philippine Islands is not true coal, but lignite, probably of the Tertiary period, and of a variety which can scarcely be distinguished by the eye from true coal. There is no reason why true coal should not eventually be found, for it is found and worked in Japan, whose geological formation has much in common with that of the Philippines. There has been no systematic search made in these islands for coal, and wherever it has been found it has betrayed its presence by outcrops. Thus, in the island of Masbate, a local steamship owner drew his supplies from a bed of coal which is so tilted as to have the appearance of a vein. He supplied himself as long as his native laborers could get the coal with crowbars.

Mr. Hilton, who examined this bed cursorily, estimated the available quantity of coal at about 600,000 tons in that particular concession. He is, however, of opinion that very much larger quantities are available in adjoining concessions. These mines are practically untouched, and, as they are situated within a few miles of the coast, they can be worked at a profit by whomsoever should venture to introduce the necessary capital. Mr. Hilton, after trying it in a local steamer, gives it the character of a "very good steam coal." A similar quality of lignite has recently been found in the district where the Philippines Mineral Syndicate is now working, and it will soon be tried for the production of steam.

Cebu.—The only coal deposits which have been to a certain extent

developed in the Philippine Archipelago, and of which a scientific and reliable record exists in the shape of a report by the chief inspector of mines, Señor Enrique Abella y Casariego, are those in the island of Cebu. This report is embodied in a work entitled Rapida Descripcion Fisica, Geologica y Minera de la Isla de Cebu (Archipelago Filipino). * * * The coal deposits of Cebu were first examined in 1855 by the Government mining engineer, Señor Hernandez, who, without hesitation, described the coal as "lignita" (lignite). A few years later, however, another Government engineer, Señor Centeno, declared the formation in which the coal occurs to belong to the true carboniferous system, and proclaimed the discovery of a true coal field of large dimensions, the eastern rim of which cropped out in the island of Cebu, while its western rim came to the surface in the island of Negros. Analysis proved Señor Centeno to be in the wrong, for the contents—or carbon—of the coal of Cebu do not exceed 54 per cent, against the minimum of 75 per cent, which true coal contains.

Señor Abella describes the Cebu coal as lignita piciformes (pitchy lignite), very black, and in some instances resembling cannel coal. In carefully conducted official trials, best Cebu coal figured as follows in relation to good Australian and British coal, viz, 156 parts Cebu equal to 147 parts Australian and 121 parts British coal.

The carboniferous formation extends over the greater part of the island of Cebu. From Balamban and Sogod, as far as Malabuyuc and Bojoon, a distance of over 50 miles, there is scarcely a village that has not its show of coal outcrops. These have been worked on many points, and the aggregate amount of development is not inconsiderable.

At one time the Government attached so much importance to the coal deposits in Cebu that it established a monopoly, but this was soon abandoned and the industry thrown open to all comers. For a time coal mining in Cebu became quite a rage, any number of concessions were taken up, and several companies established for their development. In one or two cases a considerable amount of capital was expended. Although faults frequently occur, large quantities of workable coal were found; but the absence of roads, and the necessity of investing large sums in railways, in order to meet the competition from England, Australia, and Japan soon caused a reaction and put a stop to the industry. The present annual production of Cebu does not meet one-tenth of the demand of Manila, where the annual consumption of coal exceeds 60,000 tons * * * In the mines of Ulung five beds have been ascertained to occur, measuring, respectively, 3 feet 8 inches, 3 feet 8 inches, 3 feet 8 inches, 5 feet 8 inches, 5 feet.[1]

* * * * * * *

[Advance sheets of consular reports, No. 152, June 28, 1898.]

On the small island of Batan, to the southeast of Luzon, just through the Straits of San Bernardino, there are extensive coal deposits, now worked by Messrs. Gil Hermanos, of Virao, Island of Catanduanes. This coal is used by their own steamer *Josefa Gorroño*, plying around the coast of Catanduanes and occasionally coming to Manila with hemp, and also by other local steamers. The mine is called Visaya and stocks of coal are generally on the beach. There is a safe anchorage for vessels close by during the northeast monsoon. In the southwest monsoon

[1] NOTE BY Mr. KARUTH.—True coal has not been found as yet in the islands. All the coal mined in Cebu, Masbate, and elsewhere is "lignite" of very good quality, but wanting the proportion of carbon which is characteristic of true coal. True coal will perhaps be found in the islands of Mindero and Mindanao.

vessels can anchor anywhere around in smooth water. The coal is not equal to Japanese, but is good enough for an emergency and easily obtainable. The mines are situated in latitude 13° 15″ north, longitude 130° 16″ east (meridian of San Fernandō), approximately.

Other extensive coal mines are also being worked in the village of Compostela, close to the city of Cebu. This coal is of superior quality and stocks are always available.

* * * * * * *

[China Sea Directory, London, 1889, and Supplement, 1893.]

Northwest coast of Borneo (p. 145).—Coal is obtained from mines in the vicinity of Muara Harbor. (Supplement, 1893, says: "These mines are known as the Brooketown collieries. The seam being worked is 28 feet thick. There are many coal seams in the vicinity of Muara River.") The mines now being worked (1888) are connected by a tramway with the pier at the village, and are 1 mile distant from it. The coal is light, very friable, but of good quality, and is delivered on board for $6 per ton. Quantities from 500 to 2,000 tons are kept in store, under cover. Two 50-ton schooners and a small tug are available for coaling vessels at the anchorage, and 60 tons can be put on board from them in twelve hours, the coal being taken off in bulk and put on board in baskets.

In February, 1888, the principal mine was on fire; but as coal seams varying in thickness from 18 to 25 feet, running in a north by east and south by west direction have been found between Bruni Bluff and Pisang Mount, and are believed to exist from the town of Bruni northward to the sea, the supply in this district, as soon as the necessary mining skill and money are forthcoming, may be said to be practically inexhaustible. The annual output of the mines, worked with the present crude means, is 10,000 tons, the depth as reached being 85 feet. About 220 Malays are employed.

Labuan (p. 158).—A large supply of coal obtained from the coal mines at the north end of the island was formerly kept in store in Victoria Harbor; latterly about 300 tons obtained from the Muara coal mines has been usually kept in stock and put on board in baskets, either from the jetty or from lighters, at $7 a ton. The attendance of lighters can not always be depended on.

Tong-King (p. 42, supplement).—Coal mines have been found a few miles off Mines River, east side of Hongai Bay or Port Courbet. A railway about 4 miles in length connects the Nagotna mine with the port jetty, and a large output was anticipated in 1891, something approaching 800 tons daily. The coal is said to be of good quality. A steamer of 2,000 tons burden can lie afloat at the jetty, and there is a good workshop for small repairs.

Tong-King (p. 486).—Several channels lead from Fai tsi long Bay, past Colosse Island, 738 feet high, to Kebao, where important coal beds have been found similar to those at Port Courbet.

Borneo (p. 4).—Borneo appears to be rich in minerals. In the state of Landak the great diamond of the rajah of Matan was found. The territory of Montrado, north of Landak, has several gold mines. In British North Borneo gold, copper, tin, and coals have been found. In province Dent a seam of coal rises to the surface and is said to be of excellent quality.

China Sea (p. 6).—Coals can be obtained at the following ports: Sarawak, Muara Harbor, Labuan, Kudat Harbor, Manila, Port Sual, Bangkok, Saigon, Touron Bay, and Hoihau Bay.

Northwest Luzon (p. 347).—Coals are brought from Lingayen to Sual at $18 the ton.

Anam, China, lat. 16° N., long. 107° E. (p. 461).—At Hong Sone, two days' journey to the southwest of Touron, is a considerable coal mine. The coal obtained from it burns quickly when used by itself; its price in 1883 was 29 shillings the ton.

[Eastern Archipelago, Part I. (Eastern Part), 1890. (British Admiralty).]

Negros (p. 247).—Layers of coal have recently (1879) been discovered in this part of Negros, and outcrops of coal have been found in the rivers which enter the sea near the towns of Calatrava and Talabe.

[Isaac M. Elliott, ex-U. S. Consul at Manila, in Scribner's Magazine for July, 1898, Manila and the Philippines, p. 19.]

Mindoro.—The mineral wealth of these islands is not believed to be of great importance, although vast regions are practically unexplored. Gold has been found, but not in paying quantities. A discovery of immense value was made a few years ago in an accidental manner. The American ship *Richard Parsons* was wrecked on the western coast of the island of Mindoro. Captain Joy, of Nantucket, Mass., and his crew were forced to cross to a port on the eastern coast, in order to reach any vessel that could carry them to Manila. To do this they made a seventeen days' journey through the wilderness and over a range of mountains. In these mountains they came upon great ledges of coal, which are outcropping, and thousands of tons had broken off and accumulated at the base of the cliffs. On hearing of this discovery the Spanish Government immediately confiscated the lands, but they have never done anything toward developing this great deposit of coal. All the coal now used in the islands is imported from Australia.

[Johnson's Cyclopedia, New York, 1894.]

Japan.—Coal is largely worked on the northern coast of Kiushiu (Nagasaki, Karatsu), and in Yezo (Poronai).

[W. B. Williams, President. Wm. Jamison, Secretary.]

HITEMAN MINERS' COMMITTEE,
Hiteman, Iowa, May 31, 1898.

DEAR SIR: I made suggestions to our Representative in Congress (J. F. Lacey) that it would be to the advantage of our Government if they would send an organized company of miners to the Philippine Islands to help establish and maintain order in those islands, and when that is done that we look after the mineral resources of the country. *Inclosed you will find his reply, which is confidential.* I shall now try to explain why I think it would be of benefit to us to control the coal mines in those islands. In the first place, the mines there have not been developed, for the reason that under the Spanish only they were taxed so that it was impossible to successfully work them.

In Caransan there is quite a coal basin—this is south of Manila—and in the upper part of the Island of Luzon[1] there are several veins of coal, which is of good quality; in some respects it is superior to the coal from Vancouver. Now, if we hold those islands and this mineral exists there, I think it would certainly show bad management on the

[1] Probably the mines near Lingayen are meant.—E. H.

part of our Government if we neglected to make use of it. And if we could supply coal for our vessels in the Indian Ocean from the coal mines in the Philippines it would be a great saving to the Government and also be an incentive to enterprise and industry. Now, Mr. Curtis, from reading your letters in the Record for the past four years, I know you are in a position so that you can call the attention of the proper authorities to the suggestions which I advance, and if I have the sanction of the authorities, I can organize a complete company of miners, from mining engineers to mule drivers, and all of the skilled labor needed around a coal mine, and if it is not too much trouble I wish you would call some of the officials' attention to this matter. I am no father's son, but I am an American.

Respectfully, yours, WM. JAMISON.

WILLIAM E. CURTIS,
Chicago Record.

HITEMAN, IOWA, *September 1, 1898.*

R. B. BRADFORD, *Washington, D. C.*

DEAR SIR: My information in regard to coal in the Philippines has been gained by intimate acquaintance with a Swede miner named Swanson, who had worked for some English company in their mines north of Manila. He left here some five weeks since, and said he was going back to the islands if he could possibly get there.

Respectfully, yours,

WM. JAMISON.

[Copy of cipher cablegram received August 5, 1898, from naval attaché at Paris.]

Have received reliable information that the commander in chief [of] the German squadron in China recently forwarded to Berlin, Germany, extensive report [of the] German engineer on mineral resources of the Philippine Islands, particularly coal deposits, all of which described containing considerable sulphur, excepting one deposit, which being free from sulphur is necessary to the development of the mineral resources. I can not give name of the island containing this deposit.

NOTE—A later telegram from naval attaché at Berlin states that the island above referred to is probably *Sebu*.

[By R. von Drasche, published in Proceedings of the Royal Geological Service, Vienna, Austria, March 7, 1876, p. 251.]

Reference to coal mines of Bakon, in the extreme southeast of the island of Luzon; no details given.

THE PHILIPPINE ISLANDS.

[Johnson's Universal Cyclopedia (1895).—Article revised by C. C. Adams.]

A group of over 400 islands, extending across 16 degress of latitude, between Formosa and the Muluccas, and forming the northern part of the Malay Archipelago. The largest are Luzon, Mindanao, Samar, Mindoro, Panay, Leyte, Negros, Masbate, and Sebu. The total area is estimated at 114,326 square miles, all under Spanish rule, and divided into 43 provinces. Population about 7,000,000. The Philippine Islands are of volcanic origin. Active volcanoes are found throughout the whole group, such as Mayon in Luzon and Buhayan in Mindanao, and earthquakes are frequent and often violent. In 1863 Manila, the capital of Luzon, was nearly destroyed, and in 1864 the whole province of Zamboanga, in Mindanao, was fearfully devastated. The soil is exceedingly fertile, and as water is abundant, both in lakes and rivers, and the climate is hot and moist, vegetable life reaches here an almost gigantic development.

The mountains, rising to a height of 7,000 feet, are covered to their very tops with forests of immense trees, yielding excellent timber and many of the most valuable sorts of wood. Teak, ebony, cedar, and gum trees, iron and sapan wood are interspersed with breadfruit and cocoanut trees, oranges, citrons, mango, tamarinds, and other varieties of fruit trees, the whole bound together with floating garlands of huge climbing plants and brilliant parasites. On the extensive slopes and in the valleys are cultivated abaca, or hemp, of which about 65,000 tons are annually exported. In 1890 8,000 tons of tobacco and 110,000,000 cigars were exported. The other products are cotton, sugar, coffee, indigo, rice, wheat, maize, pepper, ginger, vanilla, cinnamon, cocoa, etc. Of dangerous wild beasts there are none; oxen, buffaloes, horses, goats, sheep, and swine of peculiar but excellent breeds are extensively reared; deer, wild boars, pheasants, ducks, and fine fish are abundant; the forests swarm with monkeys, squirrels, parrots, sunbirds, and bees; the jungles with lizards, snakes, tarantulas, mosquitoes, and other insects. Gold is found, also iron, copper, coal, vermilion, saltpeter, quicksilver, sulphur (in large quantities, both pure and mixed with copper or iron), mother-of-pearl, coral, amber, and tortoise shell.

The Philippine Islands were discovered in 1521 by Magellan, who died here in the same year, and a few years later the Spaniards, under Villalobos, took possession of the group and named it in honor of King Philip II of Spain. The inhabitants consist partly of negritos, who have woolly hair and other characteristics of the negro, and seemed to have formed the aboriginal population. They live in the interior, are repulsive and savage in aspect, and roam in bands. There are only a few thousand pure-blood negritos left, as they have long been in process

of extermination by the Malay immigrants, or of absorption through crossbreeding with other peoples. The Malays are in a large part Roman Catholics, settled in villages, and engaged in agriculture and fishing. They possess many fine branches of industry, as, for instance, their beautiful mats and their elegant linen fabrics, and they imitate European industry, shipbuilding, leather dressing, carriage building, etc., with great success. The Chinese and the mestizos, descended from Chinese fathers and native mothers, are mostly engaged in commerce. Very few Spaniards reside in the islands, but the Chinese are very numerous, and natives of the Malayan race form the vast majority of the population.

ABSTRACT OF ARTICLE ON PHILIPPINE ISLANDS.

[In Longman's Gazetteer of the World, London, 1895.]

Minerals:
- Gold (Luzon, Benguer, Vicols, Mindanao, Misamis, Surigao).
- Galena (50 per cent pure).
- Copper (arsenical pyrites, 16 per cent pure copper, Luzon, Lepanto, Camarines, Masbate, Panay).
- Coal (Luzon, Cavansan [Carausan?], Negros, Cebu).
- Sulphur (Leyte).

Products:
- Hemp.
- Sugar.
- Tobacco (only cultivated in all the Philippines since 1882).
- Coffee (principally since 1880).
- Woods.
- Rice.
- Some cacao.
- Cotton.
- Only one-fifth of the islands are under cultivation.

Industries:
- Making cigars.
- Abaca tissues.
- Straw hats.
- Perfumes.
- Sugar (£2,500,000 exported).

Imports: Food, dress materials, fuel, arms, machinery, and iron.

Commerce: Greatest with England, then United States, Spain, and Germany.

Exports and imports: 1891, £10,000,000; 1892, £12,500,000.

Railroad: Manila to Dagupan, 70 miles.

Telegraph: 720 miles; also cable to Hongkong.

THE PHILIPPINE ISLANDS.

[From Engineering, London, August 12, 1898.]

The present state of affairs in the Philippine Islands naturally directs attention to the condition of their trade and causes speculation to be made regarding its future. A glance at the map shows that their geographical, and therefore their political, position is very important. They, along with Borneo, form the eastern shores of the South China Sea, which are therefore one-half Spanish and one-half British, while the British Malay Peninsula and French Cochin China form the western shores, with Hongkong, our chief far Eastern possession, at the head of this narrow storm-tossed sea. Not only do they form an important station in the far Eastern seas, and a step to the vast population of China, but their great natural resources cause them to be a most desirable possession; so that from various points of view it is of the utmost importance that they should not fall into the hands of any foreign power except America or Britain, either of which would not only develop their natural resources, but also use them for the purpose of maintaining an "open door" for the commerce of all countries with the far East.

The Germans are beginning to express the opinion that they do not possess their legitimate share of the world, and to insist that in any new partition of any part of the earth they should get their fair share. They are supposed to have cast longing eyes on the Philippines, but they are not likely to interfere by force, for they know that such a step would immediately open up a very large question, and nothing has happened in connection with the recent events which give them any grounds for diplomatic intervention, which the United States would be certain to resent.

It is, indeed, probable that the real difficulties of the United States will only begin when they have made peace with Spain. If we are to judge from the opinions expressed in the American journals, the future government of the Philippines is very uncertain. The New England press, as a whole, is decidedly opposed to the permanent holding of the islands. It is pointed out that under the Constitution there is no machinery for the government of 8,000,000 or 10,000,000 of people who could not be admitted to citizenship. Moreover, the possession of the islands would rend the Monroe doctrine from top to bottom, and would tell very much against the United States in any difficulty with a foreign power.

On the other hand, some influential journals favor annexation and maintain that the time has come when America must abandon her isolation and join in the universal search for markets and footholds in distant parts of the world. They maintain that the possession of the Philippines would support an Asiatic fleet and give the United States

a better position among the nations of the world, not only by increasing their commerce in the far East, but generally by enabling them to take that place among nations which the wealth, population, and mental resources of the country entitle it to. The Pacific coast papers are specially eager in the matter, and insist that with an important station in the far East San Francisco and the Pacific coast as a whole would become, in time, nearly as important as is the East now. American merchants and manufacturers, under the protection of the Stars and Stripes, would develop the riches of the islands and create an immense field for commercial enterprise. Those journals not in favor of annexation are of opinion that the island should be transferred to England or Japan, whose interests are essentially the same as those of the United States. Such a step, however, would at once raise the opposition of Russia, and, probably, also of Germany and France. The well-known Russian journal, the Novoe Vremya, had the following remarks on the subject:

It looks as if the settlement of the question of the fate of the Philippine Islands will be prolonged for some long time to come, since all the powers that have any use in their hands take a keen interest in this ripe and tempting bunch of grapes. The future fate of the Philippines can be assumed in the following manner: Firstly, the United States can rest content with Cuba, and leave the Philippines to Spain; secondly, Spain may retain the Philippines, but under the guaranty of the United States the necessary reforms shall be introduced into the islands; thirdly, the Philippines might be given up by Spain, and then establish a more or less independent republic under the protection of the United States; and, fourthly, the Philippines can be annexed by the United States on the ground of enjoyment of the rights of a separate State. The last solution of the question seems to us the least likely to be carried into effect if one takes into consideration the distance of the islands from the American continent, the general predilection on the part of Americans to observe the Monroe doctrine, and the numerous population of the islands; this population can scarcely be expected to allow themselves to be turned into American citizens without a struggle.

Whatever solution is arrived at, the writer thinks it desirable that Russia should have a coaling station in the Philippines. As the war between Japan and China started a great many important questions, so in like manner is that between the United States and Spain certain to raise some new factors in the complex game which is being played in the far East.

The rebels against Spain in the Philippines evidently mean to insist on a republic under the protection of the United States, an arrangement which they say will not disturb the balance of influence in the far East, and they promise to respect and protect the interest of all powers. They remember, they say, that the Japanese are their kinsmen; that England is the great nation that commands 75 per cent of their import trade, and whose capital is invested to so large an extent in their undertakings; that America is their principal market for the export of sugar and hemp; that Germany and France are now opening up considerable trade, and that Russia, Austria, and Italy have no business connections in the islands.

The principal articles imported into the islands include: From Spain, printed cotton cambrics, colored yarns, gunny bags, hats, umbrellas, leather goods, most of the wine, comestibles, etc., lentils, pulse, beans, and beer; from the United Kingdom, goods made of fine yarns, such as muslins, etc., printed jaconets, corrugated and sheet iron for roofing, cast-iron and yellow-metal goods, earthenware, tinned provisions, ham, bacon, and flour; from Germany, hardware and galvanized and enameled iron goods, cutlery, paints and oils, and beer; from the United States, practically all the flour consumed on the Manila market. The

protective tariff, which came into force in 1891, has caused a large and steadily increasing quantity of the trade in cotton goods and yarns to be diverted from the United Kingdom to Barcelona, and has also put a stop, practically, to the import of linen goods. Gunny bags, which used to be imported from Calcutta, come now almost exclusively from Barcelona, and Spain likewise provides the greater part of the comestibles, wine, etc., for the same reason. The staple products and principal articles of export from the Philippines are tobacco (leaf and cigars), sugar, hemp, and copra; and of minor importance, coffee, sapan wood, and buffalo hides.

There is a large quantity of sugar machinery imported into the Philippines every year, mostly of British manufacture; but lately German manufacturers have been sending out some burnished mills, which have taken the fancy of many of the native planters, who like show and also long credit. The natural products of the islands are timber, including many valuable woods yielding resins, gums, dye products, fine-grained ornamental wood, and heavy timber suitable for building purposes, copper, and copper and iron pyrites. Gold is also found in some quantity, and there are two coal mines situated on the east coast of the island of Cebu, which yield sufficient coal to supply the local demand, and the quality is stated to be little inferior to Australian and better than Japanese.

The report on the trade and commerce of the Philippine Islands for the year 1897, by Mr. Consul Rawson Walker, contains a considerable amount of information, but as it was written before the arrival of the United States fleet, many of the conditions are now completely changed. The most interesting feature in the report is a plan of the new harbor works at Manila, and which in the interval have been the scene of such important events. It is stated that when the works are completed at the port of Manila, there will be abundance of room, not only for men-of-war, but for all kinds of mercantile craft seeking to discharge their cargoes, or coming in ballast seeking freight. The possession of this harbor will add to the value of the Philippines as a naval and commercial station.

TRADE AND INDUSTRY OF THE PHILIPPINES.

[From the Board of Trade Journal, London, May, 1898.]

The following information with regard to the economic condition of the Philippine Islands is taken from the most recent reports of the British consular officials at Manila and other ports:

The principal islands are Luzon, the most northerly of the group, in which is situated Manila, the head center of trade; the Visayas group, including Panay and Cebu (where are Iloilo and Cebu, the other chief ports of the archipelago), and Mindanao in the south. The total population is estimated at 7,030,000 souls.

The trade of the Philippines is largely in the hands of the Chinese, of whom there are 50,000 in Manila alone, engaged in every branch of commerce and industry; but there are old-established British firms at Manila, with branch establishments at Iloilo and Cebu, and in latter years the Germans, Belgians, and Swiss have been extending their trading operations to a remarkable extent.

The following table shows the value of the import trade of the principal articles into the three chief ports of the archipelago for the years 1895 and 1896, the latest obtainable. Owing, however, to the absence of official statistics, the figures must be looked upon as approximate only, being based on commercial information supplied to Her Majesty's consuls by merchants resident at the ports:

Ports.	Imports.	
	1895.	1896.
Manila	£1,367,000	£1,587,500
Iloilo	145,500	135,000
Cebu	.....	2,000
Total	1,512,500	1,724,500

The principal articles imported include—

From Spain.—Printed cotton cambrics, colored yarns, gunny bags, hats, umbrellas, leather goods, most of the wine, comestibles etc., lentils, pulse, beans etc., and beer.

From the United Kingdom.—Goods made of fine yarns, such as book muslins etc., printed jaconets, corrugated and sheet iron for roofing, cast iron and yellow metal goods, earthenware, tinned provisions, ham, bacon, and flour.

From Germany.—Hardware and galvanized and enameled iron goods, cutlery, paints and oils, and beer.

From the United States.—Practically all the flour consumed on the Manila market.

The protective tariff which came into force in 1891 has caused a large and steadily increasing quantity of the trade in cotton goods and yarns

to be diverted from the United Kingdom to Barcelona, and has also put a stop, practically, to the import of linen goods. Gunny bags, which used to be imported from Calcutta, come now almost exclusively from Barcelona, and Spain likewise provides the greater part of the comestibles, wine, etc., for the same reason. The staple products and principal articles of export from the Philippines are tobacco (leaf and cigars), sugar, hemp, and copra, and, of minor importance, coffee, sapan wood, and buffalo hides. The following table shows the value of the exports of the principal articles for the years 1895 and 1896:

Articles.	1895.	1896.
Tobacco (leaf)	£450,000	£500,000
Cigars	145,000	150,000
Sugar	1,205,000	1,600,000
Hemp	1,665,000	1,500,000
Copra	283,000	375,000

The latest report of H. M.'s consul at Manila says that for the year 1897–98, as far as the Luzon sugar crop is concerned, the outlook is poor, and that the recent rebellion in the islands will lead to an almost total absence of any supplies from some districts and a considerable falling off in them. There is a large quantity of sugar machinery imported into the Philippines every year, mostly of British manufacture; but more lately German manufacturers have been sending out some burnished mills, which have taken the fancy of many of the native planters, who like show and also long credit.

The principal customers for Philippine goods are the United States, the United Kingdom, China, and Japan. In 1896, 81,614 tons of sugar were exported to the United States, while China took 65,974 tons, United Kingdom 56,327 tons, and Japan 22,025. During the same year the United Kingdom imported 50,940 tons of hemp from the Philippines, and the United States 45,041 tons. China and Japan took 98,310,000 cigars, United Kingdom 26,954,000, and the rest of the Continent of Europe 42,890,000.

The natural products of the islands are timber—including many valuable woods yielding resins, gums, dye products, fine-grained ornamental woods, and heavy timber suitable for building purposes—copper, and copper and iron pyrites. In Paracele and North Camarines there are veins of gold worked by the natives, and in the rivers of Sapan, Casiguran, and New Ecija there are found gold pyrites of good quality, while in Mambualao and Camarines there are gold mines in operation. There are also many hot springs of iron and sulphur waters, all of excellent medicinal properties. The two coal mines situated in the east coast of the island of Cebu are said to yield sufficient coal to supply the local demand, and the quality is stated to be a little inferior to Australian and better than Japanese.

SPANISH COLONIES.

[From the Statesman's Year-Book, 1898.]

The area and population of the various possessions claimed by Spain are as follows:

Colonial possessions.	Area (English square miles).	Population.
1. Possessions in America:		
Cuba (1890)	41,655	1,631,687
Porto Rico	3,670	806,708
Total, America	45,325	2,438,395
2. Possessions in Asia:		
Philippine Islands	114,326	7,000,000
Sulu Islands	950	75,000
Caroline Islands and Palaos	560	36,000
Marianne Islands	420	10,172
Total, Asia	116,256	7,121,172
3. Possessions in Africa:		
Rio de Oro and Adrar	243,000	100,000
Ifni (near Cape Nun)	27	6,000
Fernando Po, Annabon, Corisco, Elobey, San Juan	850	30,000
Total, Africa	243,877	136,000
Total possessions	405,458	9,695,567

For administrative purposes the Canary Islands are considered part of Spain. Rio de Oro and Adrar are under the governorship of the Canary Islands, with a subgovernor resident at Rio de Oro. The country on the banks of the rivers Muni and Campo is claimed by Spain, but disputed by France. It has an area of 69,000 square miles and a population of 500,000.

The extent of the Sulu Archipelago, under the Spanish protection, is defined in a protocol signed at Madrid March 7, 1885, by representatives of Great Britain, Germany, and Spain, as including all the islands lying between the western extremity of the island of Mindanao on the one side and the islands of Borneo and Aragua on the other, excluding all parts of Borneo and the islands within a zone of three maritime leagues of the coast.

PHILIPPINE ISLANDS.

These islands extend almost due north and south from Formosa to Borneo and the Moluccas, embracing an extent of 16° of latitude and 9° of longitude. They are over 1,200 in number. The two largest are Luzon (area 40,024 square miles) and Mindanao, and the total area is about 52,650 square miles.[1] The population, including army and

[1] Table quoted above says 114,326 square miles, which is evidently correct.—E. H.

navy, numbers about 7,670,000. The capital of the Philippines, Manila, has 154,062 inhabitants (1887); other towns are Laoag, 30,642; Lipa, 43,408; Banang, 35,598; Batangas, 35,587. There is a small resident Spanish population and about 100,000 Chinese, in whose hands are the principal industries. The native inhabitants are mostly of the Malayan race, but there are some tribes of Negritos. The government is administered by a governor-general and a captain-general, and the 43 provinces are ruled by governors, alcaldes, or commandants, according to their importance and position.

The estimated revenue of the Philippine Islands in 1894–95 was £2,715,980, and expenditure £2,656,026. There is an export duty on tobacco, and almost every article of foreign production is heavily taxed on being imported. On muslins and petroleum the duty is about 100 per cent of the cost.

The chief products are hemp, sugar, coffee, copra, tobacco leaf, cigars, indigo. Gold mining is being carried on in Luzon with favorable prospects, and coal mining in Cebu, where, when arrangements for carriage are completed, the output is expected to be about 5,000 tons per month.

In the absence of official statistics, only approximate results can be given. In 1896 the imports were estimated at £2,187,500, and the exports at $4,151,250. The chief imports are rice, flour, wines, dress, petroleum, coal. The chief exports in 1896 were: Sugar, £1,600,000; hemp, £1,500,000; tobacco leaf, £500,000; cigars, £150,000; copra, £375,000. On an average about 34 per cent of the import value is from the United Kingdom, 21 per cent from Hongkong and Amoy, 13 per cent from Spain, and 10 per cent from Singapore and British India. Imports into Spain from the Philippine Islands in 1895, 24,970,692 pesetas; exports to Philippine Islands, 25,769,890 pesetas. The total imports into Great Britain (board of trade returns) in 1896 were of the value of £1,536,533, and the exports of British produce to the Philippine Islands, £507,601. The chief articles of import into Great Britain in 1896 were hemp, of the value of £731,633, and unrefined sugar, of the value of £647,370. Of the British exports in 1896, the value of £307,019 was for cotton manufactures and yarn. In 1895, 304 vessels of 425,025 tons cleared the ports of Manila, Iloilo, and Cebu. There are 720 miles of telegraph in the islands, and 70 miles of railway.

The coin in use is the Mexican dollar, with locally coined fractional money. The import of foreign money is illegal, but that of Mexican dollars is permitted.

SHIFTING OF POLITICAL POWER IN THE PACIFIC OCEAN.

[Deutsche Warte, August 20, 1898.—Translation.]

The recent changes in the political conditions of Oceania have taken place exclusively in the west. The *Russian Empire*, through its Siberian coast province, borders in the north on the Pacific Ocean; on its coast Russia had heretofore only the port of Vladivostock, blockaded by ice in winter; recently she has acquired from China Port Arthur, which, as well as the former, she has equipped as a large port for war purposes. Thereby Russia has become one of the great powers in east Asia, offering strong competition to the hitherto preponderant influence of England.

Germany, through her acquisition of the Bay of Kiao Chou, has found what she had hitherto lacked—a basis for her commercial relations in that part of the world. Germany also has a share in the Australian Archipelago by reason of her possessions in New Guinea, the Bismarck Archipelago, and the Marshall Islands.

England has enlarged her old possession of Hongkong, strives for the monopoly of the Yang-tse-kiang Valley, which is of the greatest importance as the commercial route to the interior of China, and has recently also made a settlement at Wei-hai-wei, between Kiao Chou and Port Arthur. Her influence in northern China has been considerably lessened through the Russian rivalry, which is making itself felt. The other insular possessions of Great Britain are shown on our map.

France had in Tonkin the naval station of Saigoon; in addition, she has acquired Lai Chou, in the northern part of southern China, opposite the Island of Hainan. In the archipelago of Oceania she also has a number of smaller groups of islands extending east of New Caledonia.

The colonial possessions of *Holland* extend from the East Indian Archipelago to New Guinea, of which latter she owns the western part. But her colonial possessions lack sufficient security, so that a catastrophe similar to that of Spain is within the range of possibilities.

Spain is nominally still in possession of the Philippines, the Palau Islands, and the Caroline Islands. The Ladrone Islands she will lose, as also a station in the Philippines.

The United States has annexed Hawaii, and, as spoils of the war, the Ladrone Islands, with a coaling station on Guam Island, have fallen to her share, and for the present also Manila, capital of the Philippines. Moreover, she will equip as a naval station the port of Pango Pango, acquired by contract, situated on Tutuila, the farthest of the three larger islands of the Samoa group. By this measure the power of the United States in the Pacific Ocean, where she also owns some smaller groups between the continent and Hawaii, will be very considerably increased, at the cost of an independent group (Hawaii), as well as of Spain (the Ladrones and Manila) and Germany.

THE VOLCANIC REGION ABOUT MANILA.

[Communication to Councilor von Hauer. Dnod. Manila, January 11, 1876. Contribution by Dr. Richard von Drasche. Proceedings of the Royal Geological Service. Vienna, Austria, March 7, 1876.]

After a short stay in Ceylon, I reached the Philippines, where I have been since the 3d of December. I have set myself the task of visiting the active volcanoes, as well as exploring the more than 2,000 square miles (German)[1] of which the great Island of Luzon consists, in order to obtain a description of its geological formation. As I expect to remain only six months, it is clear that I can not undertake any detailed study. The country and its people are such as to render travel difficult in every respect. Streets and roads exist only in the level lands; as soon as one enters the hill country every communication ceases, and every effort to advance is frequently impeded by impenetrable forests. The unreliability and astonishing laziness of the natives, left completely ignorant by three centuries of priestly rule, contribute to the difficulties of travel. An additional hindrance is met in northern Luzon in the inimical races (Negritos, Igorrotes, etc.), who so frighten the timid Malays that they can not be hired for any price to accompany the traveler on his excursions.

Under such circumstances the scientific results in no wise represent the efforts necessary to their attainment; and I trust, Mr. Councilor, that these few introductory words will excuse what may seem to you a small output for six weeks of work.

The excursions which I have so far made are grouped as follows: (1) Plain of Pampanga, ascent of Arayat and the Cordillera de Zambales. (2) South shore of Laguna de Bay and ascent of the extinct volcano Maquilin, besides a visit to the Solfatara "white land." (3) Ascent of the volcano Taal. (4) Paray River and Cueva de San Mateo.

Let me briefly summarize my observations:

Manila lies in a wide and fertile plain which belongs to a loamy bottom rising slightly above the sea, and contains countless remains of mussel shells of the varieties still living in the adjacent seas. This plain is surrounded on almost every side by an immense stratum of pumice tufa which stretches in rows of low hills as far as the San Mateo Mountains and Laguna de Bay.

The large and slightly elevated plain of Pampanga, which extends north of the bay of Manila, from north to south, as far as the gulf of Lingayen, and covers a surface of over 100 square miles (German), consists in its southern part of loose tufa, in which are found large pieces of very porous sanidin-trachyte, often with hornblende crystals. From the village of Arayat to Porac, at the foot of the Cordillera de Zambales, I could always observe the same formation. The Cordillera de Zambales, more than 20 German miles long, reaches its greatest elevation (6,281 feet) in Monte Pinatubo, a ragged peak. Here the Cordillera,

[1] About 40,000 English square miles.—E. H.

which at first extends in a north and south direction from Monte Taguan, turns suddenly to the northwest, then returns to its former north and south direction from Monte Iba to Monte Verde on the gulf of Lingayen. If one were to draw a line from Monte Pinatubo to the isolated mountain of Arayat in the plain, one would notice that all the rivers north of this line flow in a northeasterly direction, while all those south of it flow in a southeasterly direction toward Rio Grande de la Pampanga. This circumstance may be observed particularly plainly from the top of the Arayat, where I first noticed this slope of the plain in both directions, increasing toward Monte Pinatubo. East of Monte Arayat this circumstance disappears entirely.

The latter mountain, which hitherto has been called by all geographers an extinct volcano, owing to its isolated position and cone-like shape, is composed of a hornblende-andesite containing olivine, which is the most basic stone formation I have so far met with. Its summit does not show any crater, but instead three peaks separated from each other by large chasms.

The following brief abstracts will indicate the general character of the remainder of this article and articles in Nos. 9 and 11 of same proceedings and in the Yearbook of the society for 1876, Volume XXVI, page 157 et seq.:

Description of extinct volcano Maquilin, which forms the western extremity of the series of volcanoes south of Laguna de Bay. The Maquilin is surrounded by many small crater lakes and hot springs, all containing sulphide of hydrogen. The hot springs of Tierra Blanca and Los Baños, formerly famous, now abandoned.

Active volcano Taal; last important eruption in 1754. Other volcanoes: Babuyan Claro and V. Didica in the Babuyan group north of Luzon; Cagua, Albay, and Bulusan in Luzon; Malaspina in Negros; Camiguin in island of same name; all of them have had recent eruptions and have continually smoking craters.

On the left bank of the Pinquiang River, in the valley of Bambang, rises the Monte Blanco, with many springs containing salt and sulphide of hydrogen; the whole mountain is incrusted with salt and gypsum crystals; hence its name, Monte Blanco (White Mountain). In the valley of the Rio Agno much gold is found and washed by the Igorrotes. Large copper mines at Mancayan in Lepanto, where also sulphide of copper, arsenic, iron and copper pyrites, etc., are found. The mines are not now worked. Near Mancayan, medicinal hot springs (especially sulphur) of Meynit and Sadanga.

Coal mines of Bakon, in southeastern Luzon, not visited by writer. Much valuable ore of all kinds found on his trip from Laguna de Bay to Legaspi, Province of Albay.

[From Yearbook.]

The occurrence of salt-water fish and the salt contained in the lake of Taal indicate that at some time the interior of the old crater was connected with the ocean, and the communication was gradually cut off by the products of repeated volcanic eruptions. The whole provinces of Cavite and Batangas and the environs of Manila are formed of products of eruptions of Mount Taal. The Laguna de Bay was probably formerly a shallow bay of the ocean and was separated from the latter by deposits of volcanic eruptions. South Luzon consisted formerly of a number of islands, the oldest of which was probably what is now the western part of the Province of Camarin. The landings of Calivac and Pasacao are presumably the most recent parts risen from the sea.

THE TAGAL, HIS ABILITIES, AND WHY HE REBELLED.

[By Frederic H. Sawyer, member Institute Civil Engineers, inclosed to the office of naval intelligence by the United States naval attaché in London, with his letter No. 269, dated August 30, 1898. Mr. Sawyer was acting British consul for the Philippines in 1885, has resided fourteen years in Luzon, and has traveled extensively through the Philippines. The following paper was prepared by Mr. Sawyer and forwarded under date: Hotel Altenberg, Münster, Elsass, August 26, 1898.]

The question whether or not to annex the Philippines is exciting much interest in the United States, especially since the surrender of Manila.

Little is known of the archipelago, either in England or America; in fact, before the war only those interested in the islands could say where the group is situated.

I resided in Luzon for fourteen years, visiting all the central and southern provinces, and made trips to Mindoro, Iloilo, Cebu, Palawan, and Calamianes.

My profession as a colonial engineer brought me into contact with all classes of the community from the landowner or planter to the laborers and mechanics who worked under my direction.

The most important race in the archipelago is the Tagal or Tagaloc, inhabiting Manila and the central provinces of Luzon, and as my long experience of them is extremely favorable, I am loth to see them described as they have been—as ferocious savages, intent on bloodshed.

The Tagal, as I knew him, possesses a good deal of self-respect, and is of a quiet and calm demeanor. On great provocation he is liable to give way to a sudden burst of fury, in which condition he is very dangerous. But in general he shows great docility, and bears no malice if justly punished. He is fairly industrious, and sometimes is very hard working. Anyone who has seen him poling barges against the current of the Pasig will admit this. He is a sportsman, and will readily put his money on his favorite horse or gamecock. He is also prone to other forms of gambling. He rarely gives way to intemperance.

The position held by women in a community is often taken as a test of its degree of civilization.

Among the Tagals the wife exerts great influence in the family, and the husband rarely completes any important business without her concurrence and approval.

Children show great respect to both parents, and come morning and evening to kiss their hands.

The houses of the well-to-do natives are large and airy, and are kept scrupulously clean. The Tagal in general is hospitable, and according to his means keeps open house on feast days and family festivals.

As one who has enjoyed their hospitality on many occasions when traveling in the provinces, I can testify to their kindness and liberality.

The Tagal makes a good soldier; he can march long distances barefooted, and find food in the forests where European soldiers would starve.

In action his officer has more trouble to hold him in than to urge him on.

As sailors the Tagals are unsurpassed in the East. They navigate their coasting craft, schooners, and "lorchas," with much skill; they serve as sailors and firemen in the fine flotilla of coasting steamers belonging to Manila, and they man all the smaller vessels of the Spanish navy in the Philippines. Most of the British and foreign steamers in the far East carry four Manila men as quartermasters. They are reputed skillful and trustworthy helmsmen.

Their ability as mechanics is remarkable. They build excellent coasting vessels, brigantines, schooners, and lorchas; also "cascos" and other craft for inland navigation or shallow waters. These vessels are most ingeniously contrived and admirably adapted to the conditions under which they are to be used. They make the most graceful canoes and paddle or punt them with remarkable dexterity.

In Manila and Cavite are to be found numbers of native engine fitters, turners, smiths, and boiler makers, as well as quarrymen, stonemasons, carpenters, bricklayers, and brickmakers.

Excellent carriages are built in Manila, entirely by native labor. An incredible number of carriages and other vehicles are in use there.

Painting and decorating is executed by Manila-men in excellent style. They learned this art from Italian painters.

The Tagal is a good fisherman, and is very much at home at this work, using many most ingenious traps and nets. Fish of all sorts and sizes abound in the Bay of Manila.

Perhaps the most remarkable talent of the Tagal is his gift for instrumental music. Each parish has its brass band, supplied with European instruments and generally wearing a uniform. If the village is a rich one, there is usually a string band in addition. These bands perform operatic and dance music with the greatest precision, and their services at balls and other entertainments can be obtained at a moderate cost. Dancing is a favorite amusement among the natives and half-castes, and they dance, in the European manner, waltzes, polkas, and the old-fashioned rigadoon. The brilliant dresses of the native women produce a fine effect in a well-lighted ball room. The Grand Duke Alexis thought the ball given him by Don Joaquin Arnedo Cruz at Sulipan one of the most brilliant sights he had ever seen.

The Tagals are good agriculturists. Their sugar plantations are worked on the "métayage" system, a sort of cooperative arrangement which gives good results. All the cultivation is done by natives of the islands, no Chinamen being employed on the land, except a few market gardeners near Manila.

I think that the Tagals and other natives might be easily governed. Latterly they have shown themselves rebellious against the Spanish Government and especially against the priests, but the causes are not far to seek.

In former times, when communication with Spain was by sailing vessel round the Cape, the number of Spaniards in the islands was small.

Each province was under an alcalde—mayor—who was both governor and judge; a province with a hundred thousand inhabitants had perhaps not more than five resident Spanish officials besides the priests. All the wealthy parishes had Spanish monks as parish priests. The poor ones had native clergy. The government was carried on according to the old "Leyes de Indias." By these wise laws the native was afforded great protection against extortion.

He was in some sense a perpetual minor, and could not be sued for more than $5.

Compare this humane and wise provision with the laws prevailing in British India, where the principal occupation of the lower courts is to foreclose the mortgages of the wretched ryots at the suit of the village usurer.

These laws also conferred upon the native the perpetual usufruct of all the land that he cleared and cultivated, and he could not be removed from it. In consequence, most of the cultivated land in Luzon is to this day the property of the natives.

The native also had the right to cut timber in the forests to build or repair his house or ship, and could cut bamboos for his roofs and fences.

It should be understood that the above privileges did not extend to Spaniards, Chinese, or other strangers, but were a recognition of the natives' right to the land.

The taxes were light, the principal one being a poll tax called the "tributo." The customs duties were light and machinery for the sugar plantations came in free of duty. A friendly feeling then existed between the Spaniard and the native; the maintenance of such an economical administration was not burdensome to the latter.

With the opening of the Suez Canal, and the subsequent establishment of a Spanish line of steamers, all this changed. Hordes of hungry Spaniards arrived by every steamer, for whom places must be found. A bureaucratic administration was gradually substituted for the old paternal régime.

New departments were organized and the old ones greatly extended. Officials fresh from Spain were poured into every province. There were no public works in the islands, but the department was organized with assistant engineers, engineers, chief engineers, inspectors, and an inspector-general, all with liberal salaries and traveling allowances, central and provincial offices, and a staff of writers and draftsmen.

The pay and allowances of this department for many years exceeded the amount of money spent on works, and many of the works are wrongly designed and utter failures.

There were no mines of any consequence, but a department of mines was organized—a useless expense.

A department of woods and forests was organized, with a similar staff to that of public works. This became a serious grievance to the natives by putting great difficulties in the way of their exercising their ancient privileges in the forests. So far as I know, this department never collected enough dues on the timber cut in the forests to pay its salaries and expenses.

A medical service was also organized at great cost and little advantage. Resident physicians were appointed to the different thermal springs, and no one was to be allowed to bathe without paying the doctor his fee.

Model farms and schools of agriculture were started on paper, officials were appointed, and their salaries paid, but little or no money was forthcoming to lay out or stock these farms. Besides, the directors were utterly ignorant of tropical agriculture, and had learned what little they knew in a class room.

A policy was now announced and acted upon to assimilate all the institutions of the archipelago to those of the peninsula—a policy almost too imbecile for belief, but credible now we have seen to what depths of inaptitude a Spanish cabinet can descend.

Additional and useless ships and troops were provided on the Philippine establishment, and unnecessary little wars were got up against the sultan of Iola and the dattos of Mindanao.

These expeditions involved great loss of life from fever among the troops and great expense to the treasury. They provided, however, pickings for the officials and profits to contractors, titles for the governors-general, decorations and promotions for officers who had interest.

Accordingly every year some new and oppressive tax was imposed. The customs duties were several times raised and articles formerly exempt were made to pay. An export tax on sugar and hemp, a tax on all trades and professions, on horses and carriages, a port tax, stamp tax, a vexatious tax on all animals slaughtered, taxes on the hand looms used by the women in their spare time, taxes on sugar, rice, and oil mills, on ships, boats, and lighters; all these and many more were imposed. All these duties and taxes, collected by a horde of rapacious and unscrupulous employees, might well disgust the native with the Government. All classes felt the oppression. The rich were blackmailed under threats of being reported as disaffected, while the poor suffered from illegal exactions.

Serious agrarian troubles arose between the monastic orders and the tenants on their vast estates. Toward the end of General Weyler's government a perilous state of unrest prevailed. But the arrival of Gen. Don Emilio Despujols, Conde de Caspe, to take over the government soon produced a better feeling. He meted out justice alike to priest and tenant, to Spaniard and native, and sent back to Spain several notorious offenders who were a disgrace to the Spanish name. The natives, seeing justice done them for the first time, became most fervent admirers of the Conde de Caspe, whom they looked upon as a savior. He became the idol of the people. This state of things was unfortunately of short duration, for the priests seeing that he was not their champion obtained his recall by cable. It is said that they paid $100,000 in Madrid to obtain this. His departure was a wonderful sight; never had there been seen such demonstrations of affection to a governor-general. Innumerable multitudes of natives crowded the shores to see him embark, and every steamer belonging to the port accompanied him far out to sea.

With the sudden departure of the Conde de Caspe there settled down on the native mind the gloomy conviction that force alone could plead their cause and that their only hope was to rise in arms.

Who can wonder at it? With that horde of hungry taxgatherers ever vexing them, with all justice denied them, with exile from their homes to some distant island ever hanging over them, what else could they do? Their fight almost unarmed against the Spaniards was heroic and merits the admiration of all brave men. With few exceptions, their humanity has been equal to their valor.

Altogether, I consider the Tagals to be a brave, kindly, intelligent, and interesting people, worthy of a better government than they have had. At the same time they are not advanced enough to take the administration of the archipelago, nor even of Luzon, entirely into their own hands.

If an honest administration could be conferred upon them, I am convinced that in a very few years they would attain such a degree of prosperity as no other colony has hitherto achieved, and thus fully justify their release from the curse of Spanish domination.

WHAT SHOULD BE DONE WITH THE PHILIPPINES?

[Review of Reviews, July 15, 1898.]

[1. By an English resident.]

Mr. John Foreman, an Englishman who for some years lived in the Philippines, and whose articles for the last two or three years have been the chief source of popular information on the subject, contributes to the Contemporary Review for July an article in which he discourses upon the future of the islands. He is hopeful, although under no delusion as to the possibility of governing the Philippine Islands on the principles of the Declaration of Independence. He says that the insurrection which broke out in August, 1896, was in no sense republican in its nature. It had as its object the removal of certain specific, well-defined grievances. He says:

The movement had for its objects (1) the expulsion of the monastic orders; (2) the abolition of the governor-general's arbitrary power to banish without accusation, trial, or sentence; (3) restoration to the natives of the lands held by the religious orders; (4) a limitation of the arbitrary powers of the civil guard; (5) no arrest without judge's warrant; (6) abolition of the fifteen days' per annum compulsory labor.

Aguinaldo, the leader of the revolt, is a smart, intelligent man of about 30 years of age. He is a landed proprietor who has served as petty governor of his native town in Cavite. By the arrangement between him and Admiral Dewey, Mr. Foreman says:

It is provisionally agreed that Aguinaldo shall set up a local republic. General Aguinaldo's plan is to establish at Manila a congress, to which deputies from all the principal islands will be invited. I do not hesitate to prophesy that, unless under European or American control, the scheme will end in complete failure. At first, no doubt, the islanders will welcome and cooperate in any arrangement which will rid them of monastic oppression. The Philippine Islands, however, would not remain one year peaceful under an independent native government. It is an utter impossibility. There is such racial antipathy that the Visayas would not, in this generation, submit to what they would always consider a Tagálog republic, and the Tagálogs, having procured the overthrow of the Spaniads, would naturally resent a preponderance of Visaya influence. Families there are very closely united, but as a people they have little idea of union. Who would be the electors? The masses are decidedly too ignorant to be capable of voting intelligently. The votes would be entirely controlled by cliques of landowners.

If the native republic did succeed, it would not be strong enough to protect itself against foreign aggression. The islands are a splendid group, well worth picking a quarrel and spending a few millions sterling to annex them. I entertain the firm conviction that an unprotected united republic would last only until the novelty of the situation had worn off. Then, I think, every principal island would, in turn, declare its independence. Finally, there would be complete chaos, and before that took root America, or some European nation, would probably have interfered, therefore it is better to start with protection. I can not doubt that General Aguinaldo is quite alive to these facts; nevertheless, I admire his astuteness in entering on any plan which, by hook or by crook, will expel the friars. If the republic failed, at least monastic power would never return.

A protectorate under a strong nation is just as necessary to insure good administration in the islands as to protect them against foreign attack. Either Great Britain

or America would be equally welcome to the islanders if they had not the vanity to think they could govern themselves. Unless America decided to start on a brand new policy, it would hardly suit her, I conjecture, to accept the mission of a protectorate so distant from her chief interests. England, having ample resources so near at hand, would probably find it a less irksome task. For the reasons given above the control would have to be a very direct one. I would go so far as to suggest that the government should be styled "The Philippine Protectorate." There might be a chamber of deputies, with a native president. The protector and his six advisers should be American or English. The functions of ministers should be vested in the advisers, and those of president (of a republic) in the protector. In any case the finances could not be confided to a native. The inducement to finance himself would be too great. All races should be represented in the chamber.

Should this proposal be carried out, Mr. Foreman thinks the future of the Philippines will astonish the world. He says:

The islands are extremely fertile, and will produce almost anything to be found in the Tropics. I estimate that barely one-fourth of the tillable land is now under cultivation. There is at present only one railway of 120 miles. A number of lines would have to be constructed in Luzon, Panay, Negros, Cebu, and Mindanao islands. Companies would probably take up the contracts on ninety years' working concession and ninety-nine years' lease of acreage in lieu of guaranteed interest. The lands would become immensely valuable to the railway companies, and an enormous source of taxable wealth to the protectorate. Road making should be taken up on treasury account and bridge construction on contract, to be paid for by toll concessions. The port of Yloilo should be improved, the custom-houses abolished, and about ten more free ports opened to the world. Under the protectorate undoubtedly capital would flow into the Philippines.

[2. By an American Senator.]

In the North American Review for June, Senator John T. Morgan discusses what the United States should do with the conquered islands, speaking of them, of course, in the prophetic-historical sense, for when Senator Morgan wrote the conquest was still to come. Senator Morgan is strongly of opinion that, whatever monarchical Europe may say, the United States must fulfill its destiny:

We must respond in our policies to the energy with which our institutions have inspired our people in seeking wealth and commercial pursuits. Wheresoever our power may extend beyond our continental boundaries it will be confined to the protection of the interests of our own people by establishing such military outposts as will secure to them the full enjoyment of all their rights and the liberty of commerce. The policy of colonization by conquest or coercion is repugnant to our national creed, which places the right of free self-government in supremacy over all other sovereign rights; and a colonial policy which discriminates between the rights of colonists and those of the people who enjoy full citizenship in the United States would be repugnant to the principles of our National Constitution.

This, it must be admitted, is somewhat vague, nor is it exactly clear what the Senator is driving at. He would establish a protectorate over the Philippine Islands, but, speaking of the policy of the United States, he says:

It will not inaugurate or support a propaganda in the Philippines, either political or religious; but it should not deny to itself the right to give its encouragement to good government in those islands, or to give to those people proper support against the unjust invasion of their rights by foreign powers. The fortunes of war have devolved this duty upon us. Annexation will not be a necessary or proper result of such moral or actual protection, because the United States is an American power, with high national duties that are, in every sense, American, and the Philippines are not within the sphere of American political influence, but are Asiatic, and should remain Asiatic.

As with the Philippines, so with the other Spanish possessions; nor does Senator Morgan limit his survey to those possessions that are held now by Spain. He says:

It is a new and inviting field for American enterprise and influence that opens Porto Rico, Cuba, the Isthmian Canal, Hawaii, the Caroline and the Philippine

Islands to fair trade and good government; and we shall need only the good will of those people to secure to us a just participation in its advantages. This is an alluring field for conquest and dominion, but no compulsion will be needed to hold it, beyond the temporary necessity of preserving the peace in these islands until the rightful government of their people can be established on safe foundations. Conquest would dishonor our motives in waging war against Spain, if we should hold the subjugated islands only in trust for ourselves.

If by this last sentence Senator Morgan means that there is to be no attempt to enforce the United States tariff against non-American goods in the conquered islands, well and good, but it is to be hoped he will persist in that good resolution.

[3. By an American consul.]

In Scribner's Magazine for June Mr. Isaac M. Elliott, the American consul at Manila from 1893 to 1896, gives some account of the islands and their inhabitants. Mr. Elliott's narrative is illustrated by a number of pictures taken from photographs, which give a rather pleasing impression of Manila and its suburbs. Mr. Elliott was much impressed by the excessive taxation levied by means of fees, stamps, and other imposts. He puts the case in a nutshell when he says that the church lives off the natives and the Spanish officials live off the importers. There are ninety-nine public holidays observed every year in addition to the fifty-two Sundays. The church is immensely rich, but although it plunders the natives, Mr. Elliott admits that it has been a civilizing feature, and has built schools and churches all over the Philippine Islands. The insurrection, he thinks, was a righteous uprising on the part of the Malays and half-castes, who form the producing classes, against misgovernment. The savages, or Negritos, have nothing to do with the insurrection. Most of the sugar produced on the island goes to the United States. Part of it, however, is taken by Hongkong. America takes most of the hemp, but none of the tobacco. Until within the last few years the United States were supreme in the Philippine trade, but of late years English firms have succeeded to the bulk of the business. The last American firms were crowded out three years ago by Spanish intrigues, caused by the hatred of Americans growing out of the Cuba's trouble. In the Island of Mindoro there are mountains so full of coal that thousands of tons have broken off the outcropping seam and accumulated at the base of the cliffs. The Spanish Government immediately confiscated the land where the coal was discovered, but nothing has been done toward developing the seam, and all the coal used in Manila at present is brought from Australia.

[4. The Philippines and the Chinese markets.]

Mr. Truxtun Beale, writing in the North American Review on "The strategical value of the Philippines," is all for holding them, notwithstanding the objections of Senator Morgan. He would retain the Philippine Islands, not so much for their own sakes, although that weighs with him, but because they would enable America to command the Chinese markets. He says:

Few realize that China is yet a sparsely populated country. It is little more than one-third as thickly populated per square mile as the most sparsely populated part of Europe. It is not one-quarter as thickly populated as the most thickly populated part of Europe. I can confirm the testimony of other travelers as to the great extent of uncultivated land in its interior. Its immense mineral deposits have not yet begun to be developed, and it is said to contain the largest and finest deposit of coal yet discovered. Contrary to the popular impression, the Chinaman is not a good business man. He is not an enterprising man. His sole idea in business is to turn his capital over rapidly and get quick returns in trade. The idea of laying

out the profits of capital for several years in order to drain marshes or irrigate wastes never occurs to him. The immensely increased trade that will result from the development of this country should be ours.

[5. A lady's account of the islanders.]

There are several miscellaneous articles in the magazines about the Philippine Islands. Miss Lucy M. J. Garnett writes upon the Philippine Islanders in the Fortnightly Review. She gives some interesting pictures of the manners and customs of the people. She has much to say of the various saints, who have superseded the ancient idols more in name than in fact. The patron saint of Manila is St. Francis the Tearful, who on one occasion wept for three hours so copiously over the danger of Manila that many cloths were moistened. Another favorite saint is the Virgin Antipolo, who appears to have interposed more efficaciously for the protection of Manila in the seventeenth century than she was disposed to do when Admiral Dewey entered the harbor. Miss Garnett discusses the marriage customs and legal status of the women at some length. Concubinage has been largely substituted for marriage, owing to the rapacity of the priests, who demand such exorbitantly large fees that the natives decide it is not worth the money. They are jealous after marriage, but unmarried women are not very strictly looked after.

The Philippine laws relating to the property of married persons are exceedingly quaint and interesting, being entirely in favor of the wife. The property of a bride is never settled on the husband. If a man is poor and his wife well to do, so they remain throughout their married life, he becoming simply the administrator of her possessions, but having no right to them. If a husband becomes bankrupt in a business in which he has invested some of his wife's fortune, she ranks as a second-class creditor under the commercial code. Such being the legal status of women in these islands, it naturally follows that they enjoy a considerable degree of personal independence, which, in some localities, economic conditions tend to increase, especially among the working classes. The chief of these economic conditions has been the almost exclusive employment in the Government cigar factories of women. The staple industry of the city being thus debarred from men, various occupations and industries usually performed by women fall to their share. In their homes, too, while the wife is earning the family bread—or rather rice, their staple food—the husband looks after the children and cooks the dinner. It is also very difficult to get women to act as nurses and maids in European families.

[6. Dr. Albert Shaw's view.]

Mr. Bryan and Mr. Cleveland may deprecate extension of American sovereignty over the Philippine Islands, but Dr. Albert Shaw has made up his mind that it has to come, and says so with emphasis in the new number of the American Review of Reviews:

The discussion of the future of the Philippines has gone on apace and has brought out a great variety of opinions. The surprising thing in the discussion has been the remarkable vigor and extent of the American sentiment in favor of the permanent retention of the islands as an American possession. It is coming to be understood throughout the country that annexation of Hawaii, or the Philippines, or Porto Rico, does not by any means imply, either now or at any time in the future, admission into the sisterhood of Federal States whose government is provided for under the Constitution. It is precisely as reasonable and possible that the United States should exercise general sovereignty over a distant island without bringing that island into the Federal Union as for Holland to exercise dominion in Java without bringing the people of that remote realm into domestic relation with the Netherlands. We do not intend to hand the people of the Philippines back to the Spaniards; and our sense of decency and respect for the enlightened opinion of mankind will not permit us to abandon them. Nor will the rivalries and conflicts of the European and Asiatic powers make it possible for us to select England or Holland or any other power as our residuary legatee.

PICTURES FROM MANILLA.

Mr. F. T. Bullen, in a paper entitled "A Reminiscence of Manila," gives a very vivid picture of what he saw in the Philippine Islands, which he visited many years ago on a sailing ship from Hongkong. Mr. Bullen has an extremely high estimate of the value of the Philippines. He says that they form a magnificent territory, spendidly favored with every form of wealth, and capable of supporting with the greatest ease fifteen times their present population. Their climate, except in the low-lying valleys, is almost perfect. There was no energy shown anywhere excepting by the English, American, and German merchants, although the most industrious laborers are the Chinese. Mr. Bullen thinks that Japan would probably succeed better than any other power in administering the Philippines. At the same time, he thinks that the tragedy of Formosa would debar them from having a chance with the islands. Therefore, as we are out of it, Mr. Bullen thinks the United States will have to take in hand the administration of the great archipelago.

AMERICAN IMPERIALISM.

HAWAII.

In the Forum, Mr. H. S. Townsend, formerly inspector-general of schools at Hawaii, expresses a very strong opinion in favor of annexation of the Sandwich Islands by the United States. He speaks very highly of the intelligence of the Hawaiians. He says:

> When first I came among the Hawaiian people I was surprised to find the school children able to put to shame with their knowledge of Garfield, Grant, Lincoln, Washington, Gladstone, Beaconsfield, Bismarck, "Unser Fritz," Nelson, and Napoleon, the American school children with whom I had come in contact. Although the Hawaiian press has deteriorated somewhat since that time, Hawaiian newspapers still give a greater amount of news from foreign lands than would be appreciated by the readers of American country newspapers.

THE PHILIPPINES.

Mr. F. F. Hilder, writing in the same magazine on the Philippine Islands, thinks that the Americans would do well not to lose their hold over the islands which have come into their possession by the fortune of war. He says:

> The world contains no fairer nor more fertile lands, no more promising field for commercial enterprise, and no people more worthy to be elevated to a higher place in the scale of nations, and to be assisted by education and good government to obtain it. This is no imaginative statement, but the result of personal observation of the country and of intercourse with its people.

The Century Magazine for August contains a mass of papers relating to the war and the American conquests. They are: "The Island of Porto Rico," with pictures from photographs; "Facts about the Philippines," by Mr. Vanderlip, Assistant Secretary of the Treasury, with a discussion of pending problems, with a map and pictures from photographs; "Life in Manila," with pictures from photographs; "An artist with Admiral Sampson's fleet," with pictures from sketches made on the spot; "The sanitary regeneration of Havana," by the Surgeon-General of the Army; "Cuba as seen from the inside," with pictures from photographs. Mr. Vanderlip, one of the brightest and ablest of the Assistant Secretaries of the Treasury, says of the Philippines: "It

is as a base for commercial operations that the islands seem to possess the greatest importance. They occupy a favored location, not with reference to one part of any particular country of the Orient, but to all parts. Together with the islands of the Japanese Empire, since the acquirement of Formosa, the Philippines are the pickets of the Pacific, standing guard at the entrances to trade with the millions of China and Korea, French Indo China, the Malay Peninsula, and the islands of Indonesia to the south. Australasia may even be regarded as in the line of trade. The possession of the Philippines by a progressive commercial power, if the Nicaragua Canal project should be completed, would change the course of ocean navigation as it concerns a large percentage of the water-borne traffic of the world. The project is alluring. In the undeveloped resources of the Philippines the sanguine radicals see a great opportunity for our genius. They recognize that in a decade we might make a change greater than has been wrought since Magalhae's discovery until the present time. They see great development companies formed to cultivate tobacco and sugar by modern methods, others formed to test the richness of the unknown mineral deposits, and still others to develop transportation or to reap the treasures of the forest. They see also that with honest, intelligent, just, and humane government there might be astounding improvement in the character of the people."

THE PHILIPPINES AND THEIR PEOPLE—AN UNPROMISING COLONY

[Review of Reviews, June 15, 1898.]

In the Contemporary Review for June Mr. Claes Ericsson, who appears to have been an orchid collector, describes a visit which he paid to the Philippines in the year 1894. A perusal of his paper is not calculated to encourage very joyful anticipations as to the result if the Americans should decide to begin their colonizing experiments by taking over the 2,000 islands with a population of 8,000,000, merely because Admiral Dewey destroyed half a dozen ships in the harbor of Manila. For what appears most clearly from Mr. Ericsson's paper is that the natives of these islands, whether they be Sulus, or Tagals, or Bisayas, are elements in the question which will have to be reckoned with altogether independently of the fate of the Spaniards. In the island of Palawan, Mr. Ericsson says, the Spaniards have no real authority, and never interfere with the natives except where Chinamen or Europeans are concerned. Again he says, after visiting the other islands, "It would have been almost useless to ask the assistance of the Spaniards. I never met with one who could speak the Sulu language or any of the dialects. As a consequence, the supposed rulers know next to nothing of the natives, their customs, and wishes. None of the larger islands is really under the domination of the Spaniards, whose rule extends little farther than the range of their cannon. Of the native soldiery, not one in a score knows the name of his officers.

In the chief town of the Sulu islands the Sulu were in the habit of taking pot shots at the Spanish sentries every night, and this, be it observed, was the former state of Spanish rule in the Sulu islands. Mr. Ericsson does not give a very cheerful account of the country itself. It swarms with venomous ants, whose bites suppurate like smallpox. Mosquitoes, he says, swarm as they do nowhere else on the earth, while as for alligators, he once counted thirteen moving in a troop along the beach at one time. Worse than all is a virulent fever, from which, at

one place that he visited, half of the Spanish garrison was prostrate. Everywhere the people seemed wretchedly poor, and their habitations the worst hovels that he had ever seen in the far East. The aborigines are little people who are tyrannized over by the Sulus, who appear to spend their time in plundering their neighbors. The Sulus are pirates or the sons of pirates, who think nothing of murder, and who have never been subdued, and, in Mr. Ericsson's opinion, never will be by Spain. It is evident that if the Americans are to serve their apprenticeship to colonization they will have a pretty tough time in the Philippines. They will find it somewhat difficult to apply to those aborigines and their Sulu oppressors the great and glorious principles of the American Constitution; but that, some of the Americans gravely assure us, is precisely what they are determined to do. The belief of some Americans in the saving efficacy of democratic government is quite touching. It will not, however, long survive the test of actual experience in the Philippines.

FACTS ABOUT THE PHILIPPINES, WITH A DISCUSSION OF PENDING PROBLEMS.

[The Century, August, 1898.]

[By FRANK A. VANDERLIP, Assistant Secretary of the Treasury.]

The guns of Admiral Dewey did something more than destroy a Spanish fleet in the harbor at Manila. Their echo came back to us in a question new in the history of our Government. In the shaping of the Constitution our fathers evinced a foresight that has ever since been our admiration; but their prescience looked ahead to no such problem as this one which a naval victory on the other side of the world has raised. It is a problem for the solution of which we have surprisingly little data. Neither precedent nor experience can be satisfactorily drawn on, and we see with sudden clearness that some of the most revered of our political maxims have outlived their force. Washington's Farewell Address, and the later crystallization of its main thought by President Monroe, had come to possess with us almost the force of a constitutional provision, and even to be regarded by the nations as one of the fundamentals of our Government. Our stanch belief in the value of that doctrine of political isolation has been shaken by Dewey's victory. The impending question of what shall be done with the fruit of that victory has made us examine in a new temper, and with new lights, this political doctrine of ours; and it has sharply emphasized to our minds the changed conditions surrounding us now, compared with those which gave birth and force to that doctrine.

The world is much smaller now than when Washington read his farewell address. The Philippine Islands, although almost on the other side of the earth, are much nearer the seat of our Government, by the measure of transportation and time, than were in that day regions that are now populous States. The same factors that have brought comparatively close to us the most distant countries have developed a new mainspring that has become the directing force in international affairs—the mainspring of commercialism. In the days when Washington enunciated the policy of political isolation the questions that were before parliaments and assemblies were questions of individual freedom, of representative government, of civil and political rights. The debates of the legislative bodies of the nations are no longer on those lines. They are on finance and questions of commercial development. It is the age of commerce, and it is commerce that has for a generation been shaping the foreign policy of every nation but ours. It has been the flag of commerce, rather than of national aggrandizement, that has led the troops of England, France, and Germany through Africa. It was to plant the flag of commerce that there has been such maneuvering by the nations of Europe to gain footholds along the Chinese coast. And now, without the slightest premeditation on our part, and with

the most inadequate preparation to handle the question, we have suddenly found ourselves in possession of a vantage point more valuable than the prizes for which the great nations of Europe have been scheming. With the extraordinary conditions surrounding this sudden acquisition of rights, it is natural that there should be the most intense interest in the characteristics and the commercial possibilities of these islands and their population of 8,000,000. To reach any intelligent opinion in regard to their disposition, we need, of course, as clear an idea as possible of just what they are, of the advantages to be gained by their retention, and of the difficulties to be encountered in their administration.

It is as a base for commercial operations that the islands seem to possess the greatest importance. They occupy a favored location, not with reference to one part of any particular country of the Orient, but to all parts. Together with the islands of the Japanese Empire, since the acquirement of Formosa, the Philippines are the pickets of the Pacific, standing guard at the entrances to trade with the millions of China and Korea, French Indo-China, the Malay Peninsula, and the islands of Indonesia to the south. Australasia may even be regarded as in the line of trade. A glance at the map will readily show what a commanding position the archipelago occupies with reference to adjacent territory. While it is true that the islands lie a little out of the direct line of ocean traffic in voyages by way of the eastern passage, there are reasons which operate strongly for a discontinuance of navigation by way of the Straits of Malacca and the China Sea to the Orient.

The voyage by this course is one dreaded by all navigators at certain seasons of the year, when the Straits become the center of the worst storm disturbances known to the world, and when navigation is consequently restricted. With the opening of the Nicaragua Canal, however, the trade of our Atlantic ports with the Orient will take the safer and shorter route thus provided; and in addition to this, the commerce of much of Europe which now seeks the East by the voyage through the Mediterranean, the Suez Canal, the Indian Ocean, and the Straits, or by the Cape route, will turn in the opposite direction. The possession of the Philippines by a progressive commercial power, if the Nicaragua Canal project should be completed, would change the course of ocean navigation as it concerns a large percentage of the water-borne traffic of the world. Europe looks to the Nicaragua Canal and the Pacific as offering a better route to the far Eastern countries; and in the event of its completion, the archipelago will be the gateway to all the trade of lower China and the countries south. Hongkong, the great warehouse where are stored and whence are distributed the products of the earth in the maritime trade of China, may, in the course of these changes now in prospect, become scarcely more than a distributing point for the trade of the valley of the Sa-Kiang.

In the trans-Pacific trade the Hawaiian Islands will afford a resting place for ships, and their importance will be immeasurably increased by the opening of the canal and the diversion of ocean traffic from the channels it now follows. The Nicaragua Canal and the Hawaiian Islands will be invested with new interest to us by the unexpected acquisition of rights in the Philippines, which will then be a key to the Orient of vast importance to the United States, or to any other progressive nation which may have the opportunity to make of them a base for the distribution of far Eastern commerce.

More than half of the people of the earth live in the countries which

may be easily reached from the Philippines. There is China, which, according to the latest estimates, has a population of more than 400,000,000; the East Indies (British, Dutch, and French), 343,000,000; Japan, 42,000,000; British Australasia, 5,000,000; Siam, 5,000,000; and the Straits Settlements, 600,000—all together, a population ten times that of the United States. Trade relations can not at once be established with all these millions, for many of the populous provinces of China and far Eastern Asia lie remote from the coast, and it will be years before communication with the interior is opened by rail. Nevertheless, since the Chino-Japanese war railroad building in China has been advancing rapidly. Out of adversity something of good has come to the Celestial Empire, and the lesson taught by the victorious Japanese has resulted in the birth of a new China. Ancient exclusiveness is being laid aside, and the Empire is already on the road to progress.

How long the dominion of Hongkong over the maritime trade of China will last, even should the Philippines not become its rival as a distributive market, is a question which may largely be determined by the occupation of Kiao-Chou, Port Arthur, and Wei-Hai-Wei. Russia's great railway across her Siberian possessions must also be taken into account in disposing of the trade of China. Penetrating the rich province of Manchuria, with the certain prospect of forming a junction with a road to be built from Shanghai, it will be only a few years before that city will be connected by rail with Europe. The great rivers of China, the Si-Kiang, the Yang-tse-Kiang, and the Yellow River, have hitherto furnished the only ready means of reaching the trade of the interior. Hongkong, at the mouth of the Si-Kiang, has monopolized the commerce of the valley drained by that river, and the trade of Canton, formerly of much magnitude, has dwindled into insignificance. It may be easily seen that the recent acquisition of Kiao-Chou Bay, Wei-Hai-Wei, and Port Arthur gives Germany, England, and Russia, respectively, advantageous locations with reference to the commerce of the valley of the Yellow River. The onset made with a view to opening China to trade can not fail to result in a remarkable transformation of the empire in a few decades—a change as complete as that which has taken place in Japan, which twenty-five years ago was as China is to-day, and is now a ranking power, a leading member of the family of progressive nations.

The foreign commerce of all the countries of the far East exceeds two thousand millions a year. The reports of the Bureau of Statistics of the Treasury Department show that the imports are a few millions in excess of $1,000,000,000, and the exports about the same. In the total value of the foreign trade the United States has an interest of about $150,000,000, a little over 7 per cent. Our chief trade among these countries is with Japan. We buy more than 32 per cent of Japan's exportable products, and we supply 12 per cent of all the Empire buys abroad. We take one-twelfth of China's exports, sending in return one-twentieth of her imports. Trade with the Hawaiian Islands is almost exclusively our own, more than 99 per cent of their exports being shipped to the United States, while they take from us 76 per cent of all their imports. We enter into the trade of British Australasia to the extent of 5 per cent of its total commerce. To the Philippine Islands we send but little over one two-hundredth part of their imports, while we take more than one-fifth of their entire exports and more than one-half of their exports of sugar and hemp. The import figures must not, however, be taken to indicate the whole of American shipments to the countries named, for they represent only the trade direct.

Many exports of the United States are credited in English and American statistics to the commerce of Great Britain. Our interests in the Orient, however, may best be understood from the fact that, next to Great Britain, we have the largest commerce with these countries. Germany and France, although active in securing commercial advantages in China, have not yet acquired sufficient importance in trade returns to be classified, except as "other Europe." There is a promising field for our manufactures of cotton in almost all countries of the Orient. Within a few years our exports of raw cotton to Japan have doubled, and our trade with China has shown a marked tendency toward expansion. We have the bulk of the trade in mineral oils, although there is a growing competition with Russia, which may be greater when the trans-Siberian road is completed. American flour also has gained a foothold, and the growers of the hard wheat of California, the best shipping wheat in the world, look to the far East as a future market for their exportable surplus. Machinery of all kinds is rapidly gaining in favor, and within a year one of the Chinese railroads has been equipped with Baldwin locomotives. One of the street-railway lines of Manila is now provided with American cars made in Philadelphia, and, notwithstanding the great expense of transportation, they are preferred to those of Germany, which were discarded.

What is there in the Philippines, aside from their most important consideration as a base for the extension of trade? This magnificent archipelago has an area of about 114,000 square miles, or more than two-thirds that of the Spanish peninsula, and three times that of Spain's possessions in the West Indies. The chain extends in a southeasterly direction for a distance of some eighteen hundred miles, and separates the waters of the China Sea from the Pacific. Luzon, nearest Formosa and the coast of China, and the largest island of the group, is of sufficient extent to equal the combined area of Cuba and Porto Rico. The fertile island of Mindanao, at the southern extremity of the archipelago, has an area equal to that of "The Pearl of the Antilles." Between these two great islands, Luzon and Mindanao, are others, smaller and of varying importance. Upon one of them, Panay, is situated the city of Iloilo, rapidly developing into a port quite independent of the influence of Manila, which, for the most part, controls the trade of the Philippines. Apart from the chain proper lies the island of Palawan, which, extending in a southwesterly direction from the island of Panay, reaches almost to British Borneo, and is the western boundary of a body of water of great depth, known as Mindoro or Sulu Sea.

The number of islands in the archipelago is variously estimated at from 500 to 2,000, the smaller figure relating to those which are susceptible of cultivation or are valuable for their timber and minerals. Their area is as large as that of the six New England States, with New Jersey, Delaware, and Maryland. The area of arable land, however, is scarcely more than one-third of that contained within the limits of the States named. The reason for this is the volcanic origin of the islands and the consequent ruggedness of the country. In Luzon, the principal island and the one upon which Manila is situated, there is a fertile valley drained by the Cagayan, some 200 miles in length and 100 wide, lying between ranges of mountains on each coast. The valley of the Cagayan under good government has a bright future before it. At the mouth of the river is the town of Aparri, opposite the island of Camiguin, which stands guard over an extensive bay. In this bay harbor facilities may be found equal to and safer than those in the bay of Manila, and persons who have been to the islands investigating

their possibilities of development look to Aparri as likely to become a rival of Manila. This is so for the reason that Aparri is twenty-four hours nearer Hongkong and 400 miles nearer San Francisco than the capital of the island. As already said, Manila dominates the Philippine trade, although Iloilo has gained some importance as a sugar mart and Cebu is known for its exports of hemp.

After centuries of Spanish misrule, the islands are scarcely more advanced than they were when, in honor of Philip II, they were given their name. Their varied resources are virtually undeveloped. Their people have never been taught how to take advantage of the bounties which nature has placed before them.

Interest chiefly centers on the Island of Luzon, not only because Manila is situated on that island, but because of the diversity of its products. In the valley of the Cagayan are great tobacco fields, which rival those of the Vuelta Abajo of Cuba. The greater part of the sugar exported from the Philippines is produced on the Island of Luzon. Hemp, the main product of the group, is grown almost entirely on other islands. Rice is a staple crop, because, as with most other peoples of the Orient, it is the greatest article of food consumption. None is exported, however; and notwithstanding there is abundant territory suitable for rice growing, it has not been utilized, for the reason that the directing agencies have in this, as in all other instances, failed to induce the people to make the most of their advantages.

Coffee also is grown, and the more civilized natives have each a little grove of trees, which produce 4 or 5 bushels of the coffee berry a year. Only small quantities are sent to the markets for export. A little corn is raised, mainly in the vicinity of Manila, where in season it is peddled on the streets, boiled or roasted. None is fed to stock, paddy rice being used for that purpose. Hay is unknown, its place being taken by a swamp grass, upon which the buffalo cattle, the draft animals of the Philippines, feed.

The most important agricultural product is what is known to commerce as Manila hemp. Thousands of tons of this fiber are raised annually on the Pacific slopes of the southern islands, where it also grows wild. That this is the leading product of the Philippines is due to the fact that its cultivation requires the least effort. With only careless attention it is possible to raise many tons to the acre. The fiber is obtained from a species of plantain called *abaca*, a tree which grows to the height of from 15 to 20 feet and is from 8 to 12 inches in diameter. The trunk may be as easily separated as a stalk of celery. An ordinary knife only is required to cut down the tree, and a rude instrument is used to press out the juice and shred the fiber. After a little drying in the sun, and packing it into bales of 240 pounds each, it is ready for shipment. The United States and England take almost the entire crop. Hemp of this kind is grown nowhere else in the world. It is said that a fortune awaits one who can invent a machine which will accelerate the process of pressing out the juice and pulp, leaving only the fiber. A rude knife and a lever for holding it strongly in position are the instruments now in use.

Next in the order of importance as a product of the soil is sugar. The poorest sugar in the world is produced in the Philippines, and yet the islands are capable of producing the best. The reason for the poor quality lies in the method of manufacture, and not in any disadvantage of soil, climate, or character of the cane, which is superior in saccharine. The methods of sugar manufacture which prevailed in the fifteenth century are still in vogue in the Philippines. The last account of mills

in operation showed that there were in the islands 5,920 cattle mills, 239 steam mills, and 35 water mills, while there were only 3 vacuum-pan sugar works. The process of making sugar in these islands varies with locality, but all the product is what is known as a very low grade of muscovado sugar. It is not drained or clarified by any of the modern methods, and brings the lowest price in the markets of the world, except perhaps low-grade sugar of a similar character made in Brazil. The estimated crop of the islands for the season of 1897–98 is 190,000 tons. Cuba's crop for the same period is estimated at 200,000 tons.

Until the year 1890 the United States annually imported from 110,000,000 to 300,000,000 pounds of Manila sugar, but since that time a market has been found nearer the supply, and China and Japan have become large consumers of Manila sugar. There are extensive refineries at Hongkong, which take a considerable part of the product. Last year our imports of sugar from Manila were only a little over 73,000,000 pounds. This falling off is due to two causes—one the market found in China and Japan, and the other the competition of the bounty-aided beet sugars of Europe, which have also the advantage of nearness to London and New York, the great sugar centers of the world. The consumption of sugar is increasing so rapidly, especially in the United States, that, properly handled, the sugar resources of the Philippines will necessarily be developed in order to add to the world's supply. We annually import sugar to the value of $100,000,000, an amount which largely offsets our exports of wheat. It is believed by the best authorities that by the employment of modern methods the industry in the Philippines may be made to rival Cuba in the output and quality of cane sugar. It has been a matter of comment that while sugar of excellent grade is produced in Cuba, in the Philippines, under the dominion of the same country, but little effort has been made to develop resources which even surpass those of Cuba.

One reason for the superior quality of the sugar of Cuba, however, is to be found in the proximity of the United States. American capitalists have there entered the field with modern ideas and modern machinery. Still other reasons may be assigned: In Cuba, Porto Rico, and the British West Indies, notwithstanding a lack of labor, the industry advanced until brought into competition with beet bounties. In the latter countries it has been necessary to import coolies to cultivate the fields and work the mills, but in the Philippine Islands there are many thousands of laborers available for work in the manufacture of cane sugar. How to use the surplus labor in the Philippines has been, seemingly, more of a problem than the lack of labor in the West Indies. With such a redundancy there has been no inducement in the Philippines to introduce labor-saving machinery. There are in abundance two elements of productivity—land and labor. The intelligent use of capital, added to these, would revolutionize the industry, and make the Philippines a great cane-sugar-producing country.

The third product of the Philippines in the order of importance is tobacco. While the United States furnishes a market for the hemp and sugar of Manila, scarcely any of its tobacco or cigars is brought to this country, except now and then upon sailing vessels engaged in the Eastern trade. But the crop is an important one, and Manila tobacco and cigars have long held the same reputation in the East that the Havana product holds in the West. Lately the industry has shown a tendency to expand, owing to the fact that the Spanish Government, realizing, in one instance at least, the effects of an evil policy, has abandoned its monopoly of the trade. Much revenue was formerly

derived by the Government from its exclusive control of the tobacco market, and for that reason it was maintained many years, until the industry languished. Delivery of the crop under the old system was required to be made at the Government warehouses in Manila, and the natives were bound to accept for it the standard price fixed by the Spanish authorities. Needless to say, this was far below the market value of the tobacco. The manufacture of cigars, cigarettes, and cut tobacco at Binondo, a populous part of new Manila, has now assumed great proportions. One company employs 10,000 hands, and has a capital of $15,000,000. Spain has heretofore taken the bulk of the crop grown on the 60,000 acres under cultivation.

There are few other products of agriculture to be mentioned. Fruit is not cultivated, but grows wild in abundance and variety characteristic of a tropical country. Bananas of delicious flavor, oranges of poor quality, mangos, guavas, and many other native fruits grow wild. There are no olives or figs and there is no vine culture. Dairy farming has not yet been established in the islands, although there is said to be great opportunity in that direction. Butter is imported from London in bottles, and naturally is held at a very high price. Throughout all the islands of the archipelago agriculture is yet in an undeveloped state. Vast opportunities may be found for exploiting modern methods of farming. There is not a farm in any of the islands which will compare favorably with even the worst on the American continent. Plowing is done with a sharpened stick, and nothing is known of agricultural labor-saving implements such as are in use in the United States and other civilized countries. Only the most primitive methods are employed.

The mineral resources of the islands have never been developed, although they are known to be considerable. There is coal in abundance in Cebu and Negros. Gold is found in the alluvial deposits along the streams and at the mouths of rivers, particularly in Luzon and Mindanao. Copper exists in the central districts of Luzon, and lead is plentiful in Cebu. Immense deposits of sulphur are found in the craters of extinct volcanoes, and in some of the islands there is found a good quality of iron ore.

While riches await a progressive people in the development of the agricultural and mineral resources of the country, there is still another source of wealth not yet drawn upon, and toward which the attention of capitalists in this country has already been directed. A company is now forming for the purpose of invading the forests which clothe the slopes of the mountain ranges and cover thousands of acres of the valley lands not yet under cultivation. These forests, abounding in rare hard woods, are virtually untouched. More than sixty varieties capable of use are known to exist. The rarest are a green and a yellow wood, which retain those colors in the finished product. They are susceptible of high polish, and for carving are said not to be surpassed. The trees are not large, but the logs cut from them will average a foot in diameter, and are quite large enough for all practical purposes. Some day, whether the United States retains possession of the Philippines or not, adventurous and enterprising men will push their way into the hearts of these valuable forests, and their treasures will be brought forth to decorate the interiors of our palace cars and residences.

The present foreign commerce does not seem large in comparison with our own enormous and growing trade. In the best seasons $30,000,000 a year will cover the exports and $25,000,000 the imports—a total commerce in one year of about half the value of what we sell to foreign countries in a single month.

The proposition to retain permanent possession of this important group, raising as it does a problem entirely new to our scheme of government, is not attended with unanimity of public sentiment. Standing upon the threshold of a new and momentous venture, it is natural that there should be at once two parties—the one radical and in favor of holding advantages fortuitously gained, ambitious to participate in the world's rivalry for new markets; the other representing the conservative element, who, while realizing the temptation which the occasion presents, are nevertheless mindful of the dangers involved in a distinct departure from time-honored precepts hitherto regarded as necessary to the safety of our institutions.

To the first of these the project is alluring. In the undeveloped resources of the Philippines they see a great opportunity for our genius. They recognize that in a decade we might make a change greater than has been wrought since Magalhães discovery until the present time. They see great development companies formed to cultivate tobacco and sugar by modern methods, others formed to test the richness of the unknown mineral deposits, and still others to develop transportation or to reap the treasures of the forest. They see also that with honest, intelligent, just, and humane government there might be astounding improvement in the character of the people. All this is recognized as well by the conservative party, to whom the commercial side of the question strongly appeals, but who fear the dangers from a governmental standpoint. To them the character of the population is a cause for hesitation in any plan of permanent control. There can be no thought of assimilation. It can not be expected that the people of these islands will ever be brought to a comprehension of our institutions. We need not even hope for sympathetic submission. In this race of natives and half-castes, with its considerable percentage of Chinese, our conservative party sees a people who must be governed in a manner foreign to our whole system.

It is foreboded that a strong paternalism, virtually without representation, is what the islands must have; and this element sees that the administration of such a system would be hampered by a legislative power always jealous of the executive, and in this case necessarily ignorant of the conditions and requirements of the problem. They argue that if we are to enter this field of antipodal development, we should clearly comprehend what a departure it would be from the lines of our historical growth, and we should recognize its full import; that we should at the beginning understand that our Constitution contemplates no such conditions; that if we are to administer such a government as would be required of us, we should start with a solid foundation, laid in constitutional amendment, drawn with a full knowledge of the necessities of the case. But it is believed by them that if we take the time to give this subject the consideration necessary before such a constitutional amendment can be adopted, there will be little danger that we shall finally take an ill-advised or hasty step.

Alaska might be offered as a precedent, but it is in our own hemisphere, and sparsely peopled; it involved no problem so difficult of solution as would be that of a government for the Philippines. Still there are features of its acquisition and administration which, by analogy, might be applied to the permanent control of the Philippines. Alaska, it will be remembered, was ceded to the United States by Russia on March 30, 1867, and was soon thereafter formally delivered into our military possession, General Roussean, of the Army, representing our Government. By an act of Congress approved July 27, 1868, the laws

of the United States relating to customs, commerce, and navigation were extended over the vast territory thus acquired, and from that date until May 17, 1884, a period of sixteen years, these laws were administered and executed by the Treasury Department and its subordinate officers.

The act of May 17, 1884, provided for the appointment of a governor for Alaska, a United States district court, with marshal, clerks, and deputies, and for United States commissioners to be stationed at various points in the Territory. Subsequently laws have been passed regarding town sites, and protecting fishing and mining rights; and the present Congress has passed a law defining the rights of railway corporations, extending the homestead laws over the Territory, and limiting the amount of land to be taken up, purchased, or occupied by any one person or corporation upon navigable waters.

So that Congress has met the necessities of this Territory, as they have arisen from time to time, by suitable legislation; but no provision has been yet made for a territorial form of government with a legislature. That will come in due time, and the future will see one or more States carved out of that great Territory, but not until it is peopled with men from the States in such numbers as to give assurance of stable self government.

LIFE IN MANILA.

[By Wallace Cumming.]

There is no place in the civilized parts of the world which has been so entirely unknown, even to well-informed people, as the Philippine Islands. Even the ubiquitous "globe trotter" passes them by, for they are off the regular route which runs from Singapore, via Hongkong, to Shanghai or Japan, and the China Sea is a specially unpleasant body of water to cross. The steamers running between Hongkong and Manila are so small that the trip is like a rough channel passage lengthened to between sixty and seventy hours. Of the alternative route from Singapore I will not speak beyond saying that the steamers on this route are Spanish, for to most people who have not had the advantage of a Spanish bringing up the usual Spanish steamer is not to be thought of. Never shall I forget the nightmare horrors of my own first passage from Hongkong to Manila. I was hurrying to Manila to enter the American house of Peele, Hubbell & Co. as a junior clerk. At that time (the autumn of 1882) Manila was being devastated by the worst epidemic of cholera ever known there. The death rate rose to 1,300 a day, and Peele, Hubbell & Co. having lost two clerks, and not knowing how many more might go, cabled me an offer of a position.

On reaching Hongkong I found that, owing to the quarantine against Manila, the next regular steamer would not leave for ten days or two weeks. Being blissfully ignorant of the fact that a person entirely unacquainted with the life and ways of the East, and not having enough knowledge of Spanish to swear by (barely enough, indeed, to swear with), is about as useful as the vermiform appendix—and with the same capacity of being very troublesome—I allowed myself to be persuaded to take passage on a tiny little German tramp steamer about to start. She was of less than 200 tons, with her cabin just forward of the engine, and separated from it by an iron bulkhead, which gave it the benefit of all the heat. It was barely large enough to accommodate a fixed table and four chairs, and had on each side a cabin with two berths each. There were two other passengers. One doubled up with

the captain; the other, a young Filipino, shared the other cabin with me. We ran into a typhoon just outside of Hongkong Harbor, and did not get out of it until we entered Manila Bay, six days later. Never did time pass so slowly. I had forgotten to bring any reading material. The cabin was unbearably hot, the deck was under water the whole time, and the bridge was the only place of refuge; even that was soaked with spray. The night was even worse, for though I was not sick, my little Filipino more than made up for my immunity, and effectually deterred me from occupying the berth to which I was entitled. So I made a bed of the cabin floor, twisting myself around the legs of the table to prevent being rolled from side to side. We did arrive at last, however, though the steamer had such a list, through the shifting of her cargo, that dishes would slide off the cabin table even when we were anchored in the calm water of Manila Bay.

The coast is a bold one at the entrance to Manila Bay, a small rocky island dividing the entrance into two unequal passages. The island is that Corregidor so often mentioned in the reports of the naval battle. After passing through the entrance, the bay widens out, extending about 40 miles north and south, and the same east and west.

Manila is on the eastern shore of the bay. About 7 miles nearer the entrance, on the southern shore, is Cavite, the scene of the great naval battle, where there are a drydock and an arsenal. We came to anchor on Sunday morning about a mile offshore. All vessels drawing over 16 feet discharge a part of their cargo in the bay and then enter the river Pasig, on which are located the principal business houses and wharves. Though any land would have been most welcome after six days of such tossing as we had experienced, yet my first view of Manila was most unattractive. Two terrible typhoons had visited the city six weeks before, and the shores of the bay were literally strewn with wrecked vessels. Every vessel lying in the bay at the time had been driven ashore, while thousands of native houses were destroyed.

The population of Manila was placed at about 300,000. That is probably not an overestimate, for it is certain that at least 60,000 people died of cholera during that epidemic. All statistics are, however, mere guesswork, for there are no official figures. During all the years the Spaniards have owned the islands they have occupied only the mere edges, and great areas on the larger islands are as wild and unknown as at the landing of Magalhães.

The old city, called there distinctively "Manila," is built in the angle made by the River Pasig and the bay. It is surrounded by stone walls 40 feet thick, and a wide moat, in part double. Each gate has a portcullis and is approached by a drawbridge, and the top of the wall is lined with cannon of two hundred years ago. It is said to be the most perfectly preserved type of the old walled city now left. In it are the cathedral, the archbishop's palace, most of the Government offices, and many convents and monasteries. Many European Spaniards live there.

Spreading far on the shore of the bay, and on both banks of the Pasig, on a perfectly flat, alluvial plain intersected by numerous creeks, are the different pueblos or wards (some fifteen or twenty in number), which together constitute what is known to the outside world as Manila. The population is a mixture of all races. Every color is represented, from the blonde Caucasian Scandinavian to the darkest native. The latter is least common, and is usually an American negro from some ship, or, more rarely, a specimen of the dwarfish aboriginals known as Negritos (little negroes). They have the thick lips, flat noses, retreat-

ing foreheads, and woolly heads of the West Coast African, and closely resemble the Bushman of south central Africa. They are numerous, and in the unknown interior of Luzon they live an utterly savage life, and have never been even nominally subdued.

The Spaniard from "the Peninsula," as they call Spain, is invariably an office-holder, or in the army or navy. He looks down on everybody else, and has come to make as much money as possible, no matter how, and then go back to spend it in Spain. Then there are the Filipinos—"children of the country," they are called—who are supposed to be pure-blooded descendants of Spanish settlers. But there are few of them without some touch of Chinese or native blood. There are from forty to sixty thousand Chinese. Many of them are wealthy, but the bulk of them are coolies earning 20 cents a day. The vast majority of the population is made up of every shade and cross, natives (Malays) and half-breeds (mestizos). Smallest in number, but controlling the entire import and export business, are the "foreigners"—English, Germans, Americans, Swiss, etc. Most of the European countries are represented.

Among the first things to impress a stranger are the horses. Descended from horses brought from Mexico, they have become much smaller, while they are also much more shapely. In fact, I have never seen a better-looking breed. There is nothing of the pony about their shape, though in size they range between 48 and 52 inches. At first it looked absurd to see them ridden by big men whose stirrups hung down to the horses' knees; but I soon found out that they easily carried a rider weighing 200 pounds. The foreigners have a jockey club, which holds two meetings a year at the beautiful turf track at Santa Mesa. To avoid sharp practice, members of the club only are eligible to ride. This necessitates a scale of weights starting at 132 pounds and rising to 154 pounds. It demonstrates the speed and strength of these miniature horses that a mile has been run in two minutes and ten seconds by a pony carrying 150 pounds. Only stallions are used. Mares can not even be brought into the city. Nobody walks; everybody rides; and on any special fiesta thousands of carriages fill the streets. I doubt if there is a city in the world that can turn out half the number of private vehicles in proportion to the population.

The better houses differ in some ways from any other in the world. Always of two stories, there is a high stone basement, with a carriageway through to the court, where are the servants' quarters and domestic offices. The upper story is of wood, being complete in itself, so that in case of an earthquake it will settle together. The ceilings are covered with cloth instead of plaster. A wide stairway leads up from the carriageway. Between 3 and 4 feet above the floor of this story is a wide window ledge with grooves running the whole length of every side. In these grooves slide blinds, and also frames in which are set small squares of oyster shell (called "conchas"). Both blinds and conchas run the full length of each side. Either or both can be closed at the same time, and both can be slid back to the width of one at each end, leaving the whole side open, and allowing the air to circulate as freely as in a shed. The roofs were formerly made of heavy curved tiles. Now galvanized iron is used, as it vastly decreases the chance of the roof falling during an earthquake, and lessens the damage if it does. On the other hand, the iron roof is much more likely to be blown off by the terrible typhoons.

The native houses are built of bamboo, with thatched roofs made of the leaf of the nipa palm, and elevated from 6 to 10 feet on bamboo

poles. When one builds a house in Manila it is necessary to decide whether to make it safe from earthquake or typhoon. The frail nipa house may swing like a ship in a heavy sea during an earthquake, but is perfectly safe, while the tile or iron roof may fall, killing and destroying everything near it. But when the typhoon comes the nipa houses go down by the hundred, while the tile and iron roofed ones suffer little.

Possibly the chief peculiarity of the Philippines is its position as the stronghold of the priest and the religious orders. All the great orders are established there; black, blue, brown, and white robes swarm in the streets. All education is in their hands, and in the country and village the priest is virtually all powerful. No translation of the Bible is allowed to enter the islands, and no Protestant church can be built, no service held. To illustrate the power of the Church, I will describe the ceremony I saw on Corpus Christi. There was a great procession, with all the officials, troops, and sailors taking part. Finally the procession halted, and the archbishop drove slowly by in his carriage, drawn by four white horses, with outriders and guards. As he passed the colors of each regiment, the carriage stopped and the colors were laid on the ground. The archbishop descended, stood on them, and elevated the host to the four quarters, and then went forward to repeat the ceremony at each regiment.

Formerly, a serious drawback to a visit to Manila was the lack of hotels; but now there are several. If the visitor has letters of introduction, there is also a pleasant and comfortable foreigners' club at which he may stay. Manila loves holidays. At one time there were over forty in each year. The number has been sadly diminished, though there are still thirteen left, I understand. Each pueblo has its saint, and on that saint's day the inhabitants give themselves over, as they do on all the great holidays of the church, to music, fireworks, cock-fighting, processions, etc.

Almost all these processions took place at night, and the effect was most picturesque. There would be a line of marchers—men, women, and children—walking in single file on each side of the street, every one with a lighted candle in his hand. At intervals, in the middle of the road, would come images of the Saviour, the Virgin, and the saints, borne on the shoulders of from ten to thirty men, surrounded by priests, and preceded by a band of music. Some of the images were covered with diamonds and other precious stones, said to be enormously valuable. In these cases there was always a guard of soldiers with fixed bayonets about the image. Often there would be thousands of people walking in these processions, and all the while it was moving tens of thousands of rockets and bombs would be fired. These rockets and bombs are homemade. The rockets consist only of a joint of bamboo filled with powder, exploding with a great noise, but with little light. The bombs are simply a handful of powder tightly wrapped with hemp. They cost a mere trifle, but make a great noise, and no fiesta is complete without plenty of them.

The most curious procession is participated in only by natives and the poorer mestizos. It takes place, if I remember rightly, during Holy Week, and is a high solemnity. Every one walking in the procession is robed in his graveclothes. The garment is a long, loose gray robe with a hood, and it comes to the ground. The effect is very strange, and as the people go they repeat continually: "*Santa Maria, madre de Dios, ora pro nobis!*" It may seem strange that graveclothes are provided before they are needed; but in Manila they are considered a prime necessity, and every native owns those clothes, even if he is bare

of all others. The ordinary dress of the native man is trousers and shirt of "piece goods" (calico), the shirt being worn outside the trousers. On holidays they wear a shirt made of *piña*, which is an expensive material. Native servants wear the same articles, but they must be of spotless white; and very suitable and nice looking it is, though I suppose that the idea of being driven by a coachman so dressed would shock the habitués of Central and Hyde parks. A curious freak of custom was that native servants were required to serve barefooted, while it was an insult if a Chinese servant appeared before his superior without his shoes.

Our firm had a mess house, in which the partners lived, and which was open to all their American and English employees. Should the latter prefer to live elsewhere, $1,000 a year was allowed as the equivalent. I lived at the mess, finding it much the more comfortable. Indeed, it would have been hard to be dissatisfied with our way of living; and as it will show the style in which the great American houses in the East are conducted, I think it worth telling with some detail. The mess was a fine house, handsomely furnished, in one of the pleasantest parts of the city. The table was supplied by a Chinese cook. He was allowed $500 a month, and given certain of the heavier groceries, such as flour, rice, etc. He paid his under cooks, and was responsible for meals at the mess, and for breakfast (like the French déjeuner à la fourchette) and afternoon tea, which were taken at the office by all the employees, except on Sundays and fiestas. Then there was a majordomo, who had control of all the servants and had charge of the house. There was also an extra house servant, and a Chinese porter, who opened and shut the great house doors, filled the baths, pulled the punka, and watered the street in the dry season. Then everyone had a personal servant, who took care of his room, attended to his clothes, waited on him at table, prepared his early breakfast (about 7 a. m.), and so on. Everybody also owned a horse or horses, which involved one more servant at least. Being a junior, I contented myself with one pony and a two-wheeled trap, something like a dogcart. The others drove victorias and pairs. Three of our mess owned racing ponies, which inured to my benefit, as it gave me as much riding as I wished. After the bath and an early breakfast came the drive to the office, between 8 and 8.30; then work till 12.15, at which hour breakfast was served at the office; then work again until 5.30, interrupted between 3 and 4 by afternoon tea; then to the bungalow to dress, to drive, and back to dinner at 7.30.

To a lover of music Manila is a charming place. The natives have wonderful musical talent, and there were numerous bands. Those of the three regiments then stationed there were remarkably good, and four afternoons each week they played in turn on the Luneta, a sort of plaza on the shores of the bay just outside the old walls. I recall vividly the open-air concert, by three hundred instruments, given in honor of Prince Oscar of Sweden. The glorious full moon of the tropics, far brighter than in more northern lands, shining on the quiet waters of the bay, the innumerable lights, the brilliantly dressed crowd, and the thrilling music of the mighty bands, softened in volume on the great plain, combined to make it an occasion to be long remembered. The "Battle of Castellejos," which they played, was inspiring, and the effect was heightened by the repetition of the trumpet calls by soldiers who were stationed at intervals far off upon the plains, while the guns on the city walls added a touch of reality.

During the height of the rainy season, from about the middle of June

to the middle of September, all outdoor pursuits are suspended. The violence of the downpour is hardly to be imagined by dwellers in higher latitudes. The streets in Manila and some of the roads for a few miles outside are fairly good during the dry season, but quickly become nearly impassable when the rains set in. As I have already mentioned, Manila is intersected in all directions by creeks, which are traversed by hundreds of canoes. These canoes are dugouts, often of great size, and the natives are most expert in handling them. They are indispensable at times when vast floods come down from the great lake, about 30 miles from Manila, of which the river Pasig is the outlet. One storm will sometimes raise the river and overflow most of the city. After a few hours' rain I have gone direct from our steps into a banca (canoe) and been paddled through the streets to the office.

In this lake is found one of the most remarkable phenomena in the islands. Not very far from the center rises what is evidently the old crater of a submerged volcano. Circular in shape, it comes up abruptly from the water, the sides several hundred feet in height, except in one place, where it is not more than 30. The natives are dreadfully afraid of it, saying it is full of crocodiles; but a party of us who went there in a steam launch induced them to drag their canoes over, and paddle us about. The interior walls rise perpendicularly, and are masses of vegetation which has found foothold in every crack and cranny. The water within seems to have no communication with the lake, and is no longer water, but a mass of corruption and putridity that fills one with shuddering horror. We saw no crocodiles. Perhaps our noise frightened them; but I can not understand how fish could live in that mass of filth, nor where the crocodiles would find food, if fish were lacking. The depth of this place is unknown, no bottom having been found in the soundings thus far made.

I have no space here to write of many other interesting topics—the venality of the Spanish officials, from the lowest to the highest; the almost incredible impediments which they throw in the way of business; the character and customs of the women, Filipina, mestiza, and native; the fruits, including the mango, king of all, and the one hundred and sixty-five varieties of bananas, and—but the list itself might extend almost to the length of an article.

A VISIT TO THE PHILIPPINES.

[The Contemporary Review, June, 1898.]

[By CLAES ERICSSON.]

On June 13, 1894, I arrived in Manila Bay, from Singapore, on board the *Nuestra Señora de Santa Loreto*. The faith of the pious Spaniard who gave the steamer her long name had been abundantly justified, or she must have gone to the bottom years before, for a more ramshackle craft I never set foot upon. Luckily we had no rough weather, or these lines might never have been penned, the protection of "Our Lady of Holy Loreto" notwithstanding. It was night when we came to anchor, and the spectacle of the lamps on the Luneta gave me a blessed feeling of security which had been lacking many a day. If the *Nuestra Señora, etc.*, should go down at her anchorage I might possibly swim ashore.

Landing at 9 next morning, I visited the custom-house. Officials, Spanish and Creole, were lounging about, cigarette or cheroot in mouth, and presently one of them condescended to inform me that my luggage would be examined at 3 o'clock. It was then 9.30 a. m. At the appointed hour I returned; but in Manila four years ago no one dreamed of hurrying, and another hour passed before I was free of the port. An acquaintance assured me, however, that my good fortune had been great; and when, three days later, I obtained a licensia, or permit to stay in the islands, the same gentleman consoled me for the delay with the remark that such dispatch was phenomenal—in Manila. During my stay I made the acquaintance of one of the leisurely officials, a Creole. In a burst of confidence he gave me to understand that a great deal of money was received at the Manila custom-house, but the Government saw very little of it.

I am told that they have the electric light in Manila to-day, but in 1894 the streets were lit with oil lamps, on posts more or less resembling the famous tower of Pisa. The fortifications had a very ancient look, not surprising when it is remembered that they were built between two and three centuries ago. Leaving the Lunetta, I passed through a beautiful avenue of feathery bamboos, swaying to the gentlest breeze, and so reached the town in time to witness a very pretty sight. It was a funeral. Four white ponies, harnessed in sky-blue and silver, driven by a coachman similarly arrayed, drew the hearse, which was painted white, blue, and gold, and decked with plumes of snowy feathers.

As my business in the Philippines was to collect plants on the mountains of South Palawan, I left Manila by the first steamer, taking two natives as personal servants. One of them, named Minico, was very small, not more than 4 feet in height, but brave enough, nevertheless. My fellow-passengers numbered seven. One of them, a gentleman of martial aspect, I addressed in my best Spanish:

"It is a fine day, Captain."

"Señor," he answered, giving his moustache an upward twist, "you mistake. I am a colonel." And he turned on his heel. There our acquaintance began and ended. The Spaniard is so seldom discourteous—at least, to Europeans—that I fear he was scarcely a good sample. Possibly, however, Admiral Dewey has by this time taught the colonel better manners.

Steaming past the Calamianes Islands, we eventually anchored at Marangas, in Palawan, which was my destination.

The settlement comprised two small houses, inhabited by Chinamen, and a stockade less than a hundred yards square, containing a hut for the officer in command, one for the garrison of 30 soldiers, and another for stores. At every corner of the stockade rose a watchtower, thatched with "alang-alang" grass, occupied night and day by sentries, with loaded rifles, lest the "Moros," as the Spaniards call the natives, should attempt a surprise.

I advise no one to visit this Palawan settlement unless obliged. There was scarcely any food to be had for love or money. Mosquitoes swarmed as they do nowhere else on earth, I think. One morning I counted thirteen alligators marching in a troop along the beach toward the mouth of a small river. Ants, millions of them, were everywhere—in the soup, the jam, my bed, my shirt, on the table—wherever an ant can crawl. A species more venomous I never encountered. My Manila men suffered terribly. Scarcely an inch of their bodies escaped, and the wounds, if rubbed, suppurated like smallpox. To crown all, Marangas is notorious for a special kind of fever of the most virulent character. Half the garrison ere down while I was there, and their commander was hardly ever well.

The Chinamen were engaged in the "Damar" trade, which is carried on in rather a peculiar manner. The Sultan will not allow the natives of the interior to sell their resin to the Celestials direct; they must dispose of it to the Sulus, who dwell on the coast, and these trade with the Chinamen. As may be supposed, the poor natives are plundered shamefully.

Having arranged with Lo-Chang, the principal Chinese merchant, for the use of a hut, I paid a visit to Lieutenant Garcia, the officer in charge of the stockade. He invited me to a vino tinto and a cockfight. The latter I should have preferred to decline, but it was soon over, and perhaps cockfighting is excusable in Palawan. It appeared to be the soldiers' only recreation, except potting alligators.

The next day I called upon Paduka Majasari Maulana Amiril Maumininu, Sultan Muhammad Harum Narassid, Iang de per-Tuan, ex-Sultan of the Sulu Islands, once the home of the most bloodthirsty pirates that ever sailed the China Sea, which is saying a great deal. On arriving at the royal village of Bolini Bolini, which comprised the "palace" and half a dozen ruinous huts of bamboo, my presence was announced by a gong stroke, which brought out the master of the ceremonies. Invited to step within, I crawled up the bamboo ladder—the "palace" stood on the usual piles—crossed the veranda, and in the farthest apartment found his highness of the many titles sitting cross-legged on a divan.

The Sultan was not in state attire; at least there was no suggestion of the imperial yellow in his close-fitting white trousers and vest, slippers embroidered with seed pearls, and scarlet fez. The two attendant nobles were much more gaily clad. Both wore tight jackets of blue silk, decked with gold buttons, and trousers of salmon red, ornamented with buttons of gold or gilt from the knee downward.

His Highness, who appeared to be about 50 years of age, had rather a pleasant expression, with a twinkle in his eye that reminded me of Arabi Pasha. A chair was brought, also vermouth and chocolate. With a cup of the last in my hand, I explained the purpose of my visit, which was to crave the Sultan's assistance in exploring Marangas Mountain. Smiling, he promised as many coolies as I needed, and I took my leave.

The ex-Sultan of Sulu is all-powerful in Palawan. The Spaniards have no real authority, and never interfere with the natives, except when Europeans or Chinamen are concerned. Some idea of the situation may be gathered from the following incident which happened during my stay at Marangas. The Sultan's son, a boy of 10, desiring to visit Lieutenant Garcia, came with a crowd of retainers at his heels, all armed to the teeth with guns, pistols, spears, and the seldom absent kris. Every man pressed into the stockade. Had the Spaniards tried to keep them out there would have been a fight. The danger was great, but all passed quietly, although a few weeks before a Sulu who had stolen by the sentries ran amok at the lieutenant, who would have lost his life within his own stockade had not half a dozen soldiers come to the rescue. At that time there was fighting almost daily in the Sulu Islands and in Mindanao.

As soon as the coolies promised by the Sultan arrived, I set out for Marangas Mountain, no great distance. The heat was tremendous as we pressed forward, first through tall "alang-alang" grass, and then up the bed of a mountain stream, strewn with bowlders big and little, many sharp as knives. Striking into the jungle, after traveling some hours by the river, we found a track and, following it, presently arrived at a native hut—a mere roof on four poles, open at the sides, back, and front to all the winds that blew. The owner, a very old man, naked, except for a breechcloth, made off at once; but, on Minico ordering him to stop, the poor fellow came to a halt, shivering with fear. However, at the sight of a little tobacco and cloth his weather-beaten face wrinkled into a smile, and I soon persuaded him to guide us up the mountain. He led us to a village, whose inhabitants fled, shrieking; but again a little tobacco acted like a charm. We made friends and obtained shelter for the night, invited guests.

Our hosts did their best to dissuade us from proceeding farther. My spirit, they said, would remain on the mountain to vex them, and many more awful things would be sure to happen. Nevertheless we pressed on. Finding the mountain too precipitous, however, we were obliged to turn back and try a different route. This took us to another small settlement which boasted an Orang Kaya (headman). The villagers at our previous halt had told me that he was very rich and would entertain us in a royal manner, hoping, no doubt, to induce us to depart from their spur of the mountain. I found him very old, and his riches appeared to consist of an earthenware plate and a wooden club 3 feet long—his only weapon.

Everywhere the people seemed wretchedly poor, and their habitations were the worst hovels I had seen in the far East. But these aborigines have no settled places of abode. They sometimes throw a hut together, cultivate a tiny plot of ground for a year, then move on. The majority are always wandering about. As for the Sulus, they appear to do no work at all. When they are not robbing the inland natives they pass the time in laments for the bad old days when they, the Orang Laut, ruled the seas far and near. The old piratical spirit survives. They have never been subdued, and, in my opinion, they never will be—by Spain.

The aborigines of Palawan must be very near the bottom of the human scale. I have watched them sleeping round a fire at night in as much security as they ever know. Their tiny limbs were never still, quivering and stretching, and at the least sound in the jungle they were on their feet, wide awake, ready to flee. A mysterious people, uncanny, scarcely human, yet, in comparison with their Sulu masters, honest and trustworthy.

We camped near the hut of two old people, a man and a woman, whom a few yards of cloth and a little tobacco made more happy than they had ever been in their wretched lives, perhaps. So far I had seen no large animal in Palawan. There was much talk of some mysterious beast, but the descriptions were so indefinite that I was unable to decide whether it was a goat or a buffalo. Not one of the natives with whom I conversed had ever seen it.

Three days constant climbing took us to the summit of Marangas Mountain. On the bowlders were hundreds of spider-like *Renantheras* (orchids). I saw many *Phalænopsis* also; and ferns, *Lycopods* and *Alocacias*, were very plentiful. Leaving coolies to collect the orchids, I returned to Marangas with Minico and the other Manila man.

Desiring to ascend a mountain near Bulugay, I hired a Sulu boat and crew. There was trouble immediately. The turbulent Sulus refused to put to sea with the men from Manila, and I was obliged to meet them halfway, by sending one of my servants home. Minico I contrived to retain. Perhaps his insignificant appearance aided me. Anyway, I soon had cause to be thankful that I stood firm. Practically I was now at the mercy of Sulus, pirates, and sons of pirates to a man. Before engaging them I had been warned that two of their number had undergone eight years' imprisonment for the murder of a European; and judging by the looks of the remaining five it was not difficult to imagine that it would give them the keenest pleasure to cut my throat. Stalwart fellows they were, and not unpicturesque in their tight blue pants, sleeved waistcoat decked with many buttons, gay sarong (a bag-shaped sash), and fez, or turban. Each bore in his sarong a kris and pistol, while a daredevil glitter in the eyes of every one of them was evidence enough that they would use those weapons on the slightest provocation.

Starting at 2 o'clock in the morning, we reached Bulugay by 8, and at once set out for the panglima's (war chief's) village. In reply to an inquiry with regard to coolies, the panglima, a big fellow, told me that there were plenty of men to be had, but all were very wicked. I could quite believe him, but I must admit that the natives here did not look nearly so savage as the Kayans in Sarawak or the Muruts of North Borneo.

In the evening one of my Sulus came and whispered in my ear: "Tuan, datu, him say, 'Ada orang putih naik disini, baik buleh, tapi djangan dia balek,'" which translated means, "Sir, the datu (chief) has said, 'Let the white man come here, but take care that he does not return.'"

The prospect was not pleasant. I consulted Minico at once. He informed me that it was generally known that the datu of the district and the Sultan were not on friendly terms, meaning that if his highness of Bolini-Bolini could catch the chief, kris or bowstring would speedily settle the quarrel; but Minico did not think the datu would harm me. He was inclined to believe that the Sulus wished me to hasten from the neighborhood of the Panglima's village without coolies for some motive of their own. An hour afterwards the faithful fellow touched my arm, signing me to follow him. With a finger on his mouth, he led the way to the hut occupied by my rascally crew. Approaching

noiselessly, we listened to their conversation. They were talking about me. I heard one suggest that a push over a cliff would be the safest way to compass my end. Another declared that would be foolish. It would be much better to take me a long way up the mountains and hold me there for a ransom of $300. The majority seemed to be of this opinion, and Minico and I stole away. Between the Datu and the "Men of the Sea" I seemed likely to come to grief, but forewarned is forearmed.

We ascended the mountain next day. Nothing happened, perhaps because my revolver was seldom out of my hand. Leaving men to collect the plants, I returned with the Sulus to the coast and embarked for Marangas. Wanting coolies for a journey to Datu Guah's village and an ascent of Panilingan Mountain, I paid the Sultan another visit; but the master of the ceremonies whispered that the moment was unfavorable. His highness was susa—that is, he had been vexed or troubled.

By means of discreet inquiries I learned the nature of his susa. It is a rather common story in the far East. Unable to lodge the whole of his wives in the "palace," his highness boarded a few of them—not the prettiest, I suspect—in the houses of his followers. One of these peris, an outcast from the Palawan paradise through want of room, consoled herself in the usual way—quite innocently, I was assured. The news reaching the Sultan, he sent for the venturesome lover and smilingly bade him be seated opposite himself. Not being altogether an idiot, the man had come armed. From his sarong the jeweled handle of his kris protruded, plain to see. After a few complimentary commonplaces had been exchanged his highness remarked the weapon.

"Allah has been good to you, S'Ali," said he. "Those emeralds are very fine, and the diamonds are as stars in the heavens. If the blade match the hilt, you have a treasure. Show it to me."

Thrown off his guard, S'Ali drew the kris from its sheath and, holding it by the wavy blade, presented it to the Sultan. Instantly half a dozen of his highness's attendants threw themselves upon the unfortunate fellow. He was overpowered in a moment and his hands securely tied behind his back.

"Take him out," said the Sultan, still smiling.

S'Ali was led away and lowered to the ground. Not a word did he utter. It was Kismet. Why waste his breath? I did not learn the manner of his end, but it would be either by kris or bowstring. Let us hope it was the first. In the hands of a skillful executioner the kris is a merciful weapon. He was buried in the jungle behind the Sultan's "palace." Such was the susa of Muhammad Harun Narrasid, Iang de per-Tuan—"he who ruleth"—in the year of our Lord 1894. And the Spaniards were supposed to govern the island of Palawan! I could understand why the Sultan did not care to see a European so soon after his crime. However, I obtained the coolies and sent them on.

It had been my intention to ascend the mountain from Datu Guah's village, but before I could make a start the coolies returned burdened with plants. Deciding to convey these to Marangas at once, Minico and I reembarked in the Sulu boat, putting to sea in half a gale.

The danger was considerable. To add to it, the two convicted murderers began to quarrel. One of them was squatting behind me at the time, steering the craft. Presently he flung down his paddle and, drawing his kris, tried to rush past; but I held my revolver to his head.

"Sit down," I said. "I'll shoot the first man that strikes a blow."

That cooled him, and after a great deal of wrangling I persuaded him to pick up his steering paddle, but not before both he and his opponent had told me that they did not care a paddy-husk for me or my pistol.

As the tempest grew more violent the boat tossed perilously, compelling the crew to paddle their hardest to keep her prow straight. Loud and frequent were the shouts of "Kayu! Kayu!" (literally "wood," meaning "To the paddles!"). Suddenly, just as the outlook was at its blackest, the wind blowing in gusts, and the fragile craft threatening to fall in pieces, up jumped my fighting cocks again. Half measures are of no use with Sulus. I rose, also, though I had great difficulty in keeping my feet.

"By Allah," I said, "if you idiots don't sit down, I'll give you to the sharks!"

Had either attempted to pass me I should have been compelled to fire. An amok Sulu is a terrible being ashore; two of those fiends on a small boat at sea would have been too awful to contemplate. Every man must have fought, or jumped overboard, for the amok strikes at friend and foe indiscriminately. The eyes of both showed all white; their krises quivered with the passion that shook their sinewy frames. Minico, in the prow, drew his weapon. Firing a shot into the sea to show them that my revolver was not empty, I waited patiently, looking first one and then the other in the eye. They sat down at last; indeed, the boat rocked so violently that they could not well stand. So the danger passed.

Knowing what I did of those men it may seem foolhardiness to have risked my life in their company, and perhaps it was. But I knew the worst of them, which was not the case as regards the others. Soon after landing at Marangas Minico took me aside.

"Tuan," said he, "take care Sulu men no catch you alone. Sulu him no like to be threatened and not strike. They call him woman."

The hint was enough. I discharged the fire eaters and went about warily.

After waiting in vain six weeks for the steamer from Labuan, I resolved to visit the Sulu Islands, or Islas de Jolo, as the Spaniards call them. With this intent Minico and I embarked on the *Æolus*, which carried the Spanish mails. Calling at Simagup, a stockade on a hill, about as interesting and healthy as Marangas, we next proceeded to Alfonso XIII equally flourishing and desirable as an abiding place. Soon after leaving the *Æolus* lost her propeller in a heavy south-easter. For three days we drifted, the steamer dragging her anchors. Every hour saw us nearer to the rocks, and we could almost count the minute that would elapse before we should be ashore, when someone caught sight of smoke on the horizon and joyfully shouted, "Canoniero!"

It was the tiny gunboat usually dispatched round the coast from Simagup in the wake of the mail, possibly to prevent piratical attempts. She took us in tow, and after a stiff pull got us on the move, hauling us through a line of reef, which we had escaped by a miracle, and eventually to the Bay of Balabac, where we remained until a larger gun vessel came and took on board the passengers for Sulu. Next day we anchored off the town of Sugh. In the morning I went ashore with Minico.

Traversing a long narrow bridge, with a watchtower on the left hand and a pavilion on the right, we passed through a couple of strong gates into the town—a pretty little place, beautifully kept. Every street was lined with trees, yet scarcely a leaf could be seen on the roadway. At the end of the main road leading from the jetty we came to a neat square, where twice a week the residents gather to enjoy the music of an excellent band. Sulu ladies, mostly in wide Chinese trousers, bright-colored jacket of silk, with many buttons, and gay sarong thrown over

the shoulder, walked about freely. Some wore the sarong over their heads. All were clad in garments of the most brilliant coloring, and many of them were handsome, but they lost their charm on closer acquaintance.

Thanks to Minico, I found a lodging in the house of a native. It would have been almost useless to ask the assistance of a Spaniard. I never met one who could speak the Sulu language or any of the dialects. It is not considered worth while to learn them. In consequence, the supposed rulers know next to nothing of the natives, their customs, and wishes. Everywhere I found that the people detested the "Castillas," some of whose laws and regulations press most hardly upon them. For instance, if a Tagal from North Luzon, or a Bisaya from the south, can not produce his receipt for taxes at a moment's notice he is liable to imprisonment. He is not allowed to go home for it, but must carry it on his person. A Tagal told me that he was within an ace of being sent to the war in Mindanao through leaving his tax receipt at home. The police, he said, steal about at night and arrest natives indiscriminately in the hope of finding some without that safeguard. This, however, does not apply to the Sulus. So far the Spaniards have failed to compel them to pay taxes.

None of the larger islands are really under the domination of the Spaniards, whose rule extends little farther than the range of their cannon. I heard of large reinforcements being sent from Spain, but at that time there were very few European soldiers in the Philippines. No others can be relied upon. The native soldiery are mostly Luzon men. Not one in a score knows the names of his officers, or cares to know. Indeed, I once asked a Spanish soldier the name of his captain. "Quien sabe?" was the answer ("Who knows?").

The town of Sugh is protected by a loopholed wall, which incloses three small forts. Outside there are two large ones. The gates, of which there are three on the land side, are opened at 6 a. m. and closed at 6 p. m. All natives entering must give up their arms to the guard at the gate. The seaward gate is closed at 10 p. m., after which hour no native must leave his house.

One day I ventured inland for a couple of miles. None of the natives, of whom I met not a few, took the slightest notice of me. Just about a quarter of a mile from the town I passed a watchtower, where fighting, more or less serious, was always going on. Every night the Sulus crept up, took pot-shots at the sentries, and then bolted into the bush. So at least I was told. Such was Spanish rule in the chief town of the Sulu Islands.

The steam launch arriving from Sandakan, the principal port on the eastern coast of North Borneo, I took a passage, and, sending my collection on board, bade the faithful Minico good-bye, and left Sugh in the launch's boat. I do not remember the launch's name, but the Spaniards called her the *Gallinero*, on account of the large number of fowls which formed the greater part of her cargo.

The navigator of the *Gallinero* was a Chinaman. I asked him how long he had filled his post. He said that was his first trip. The owner, in whose office at Sandakan he had been a clerk, had put him in charge. I am a pretty well seasoned traveler, but this was too much. My equanimity deserted me, for the launch was a wheezy old tub which might settle down of her own accord at any moment. However, we—that is, the crew, about fifty Sulus, myself, and more than two thousand fowls—reached Sandakan safely the next day. At New Ceylon I caught the steamer for Singapore.

SPAIN AND THE PHILIPPINE ISLANDS.

[The Contemporary Review, July, 1898—By JOHN FOREMAN.]

The existing hostilities between Spain and the United States of America have suddenly brought into singular prominence the colony geographically known as the Philippine Islands. I say "geographically" advisedly, for, owing chiefly to its jealously exclusive administration under Spanish dominion, it has become neither a resort for globe trotters nor a place of call en route elsewhere for steamers of regular lines. The bulk of the export and import trade is in the hands of half a dozen British firms and a few other foreign houses, and not many years ago if one talked to a man of average general information about the Philippine Islands his knowledge of them went very little beyond the fact that the archipelago was somewhere in the vicinity of China and that its capital, Manila, was a place whence cigars were imported. Literature, too, respecting the islands has been very scant. The last comprehensive work descriptive of the colony was published in 1891, and prior to that no book pretending to give even a partial account of the colony was written since 1859. The most northerly island is (excepting a few islets of no importance) Luzon, situated about 200 miles due south of Formosa Island. Manila, the capital (on Luzon Island), is some 630 miles from Hongkong, or, say, sixty hours steam in the vessels which regularly ply between these ports. The run from Singapore to Manila in the regular (Spanish) mail is about five days and a half. In normal times there is the monthly Spanish mail from Europe (the Compañia Transatlantica), calling at Singapore both ways; an intermediate steamer also runs between Manila and Singapore, and one may also count on a Hongkong steamer about every five days.

The archipelago consists of an undefined number of islands and islets, usually estimated at about 600, extending over approximately 12° of latitude, including the protectorate (in the extreme south) of the sultanate of Sulu. The islands of commercial importance, whence the supplies of produce are collected for reshipment from the ports open to foreign trade, number about twenty-five, the chief of which are Luzon, Panay, Negros, Sámar, Leyte, Cebú, and Mindanao. Besides Manila there are three other ports open to foreign trade, all under very vexatious and restrictive regulations, namely, Iloilo, in the Island of Panay; Cebú, in the island of the same name, and Zamboanga, in Mindanao.

This last port, however, is rarely visited by a foreign ship on account of the prohibitive dues. There are no foreign capitalists present or represented there, and the Spaniards being in virtual possession of only the coast of this second largest island of the group, while the hinterland is held by unsubdued natives, there is almost no traffic with Zamboanga. The archipelago may be regarded as ethnologically divided into three parts, namely, Luzon and the northern islands constituting broadly the Tagálog sphere, the southern islands the Visaya

sphere, and the extreme southern islands, or Sulu Sultanate, the semi-independent Mussulman division. Between these three groups there exists great racial antipathy. By far the most civilized and amenable are the Tagálogs, whose ancestors are supposed to have emanated from the Malay Peninsula centuries ago. They are hospitable to a degree which can hardly be realized by anyone who has never left Europe. The Visayas are hospitable only for mercenary motives, callous, uncouth, and of brutal instincts, excepting only the Cebuanos, who are the most docile of all, and who, in hospitality, somewhat approach the Tagálog. Excepting Cebú people, the Visayas are supposed to be an offshoot of the northern emigrants to a great extent amalgamated with the Mussulman occupants of the extreme south.

The lowlands of Negros (the largest sugar-producing island) are well known to have been peopled by generations of criminals who fled from civilized jurisdiction in Luzon and the adjacent islands. Indeed, up to forty years ago the Negros people were a lawless crowd. In the old capital town of Jimamaylan they defied European authority and murdered the governor. The sultanate of Sulu is, nominally, only the Island of Sulu (called by the Spaniards Toló), but, as a matter of fact, the tribes of Mindanao and Basilan islands and the Tagbanuas tribes of Balábac and Paragua islands, if they acknowledge any authority at all above their local chiefs, give allegiance to the Sultan. They absolutely reject Christianity, and are known in the islands as Moros. The theory is that this sultanate, as well as that of Brunei (Borneo), was founded by Mussulman emissaries about eight centuries ago. In the island of Sulu (Toló) the Spaniards, after centuries of strife, hold only the free port of Toló, the scene of many massacres of Spaniards, while the capital of the Sultan is at Maybun, on the south coast. Running due west from Sulu there is a chain of islets extending toward the coast of the British North Borneo Company's possessions.

The history of the Philippines is extremely interesting; but, like that of most Spanish settlements, its pages record far more deeds of strife, treachery, and oppression than of glory to the rulers or happiness to the ruled. Space will not allow me to take more than a rapid glance at the most striking incidents. At the dawn of the sixteenth century the Pope had been complacent enough to dispose of the known and unknown universe. Taking Cape Verde as the starting point, the Western Hemisphere was given to Spain and the Eastern Hemisphere to Portugal; that is to say, all newly discovered lands within the limits defined henceforth came under the respective influences of Spain and Portugal with the Papal blessing, and on the condition that the foremost consideration in the colonizing schemes should ever be the salvation of souls. Every act of the pioneers primarily, and of the established colonial governments which followed, was absolutely subjected to the predominant interests of the church.

The Crown of Spain itself was nominally in the gift of the Pope. Hence, while no expedition could sail without the royal warrant, the benediction of His Holiness was that which most charmed the warrior, who, zealous as he might be in the service of his King, felt that he carried with him a still more sacred mission from heaven. No doubt every Castilian soldier was guided by those same feelings which finally inspired Ignacio de Loyola to hang up his sword in the little Basque church and seek that "end which justifies the means." The spirit of the times, too, was that of chivalry, a thirst for adventure, a love of conquest and domineering sway, only kept within bounds by the superstition and fanaticism of the age. But a more material incentive fired

the enthusiasm of the lower social orders. The soul-stirring tales brought back from the newly discovered world beyond the great Atlantic, the sight of the treasures wrested from the possession of the infidel Aztecs and Incas, bore an influence as potent on the minds of the masses as the highest ideals of religious chivalry which inflamed the ambition of the leaders.

The treaty of Tordesillas, which embodied the will of the Pope above referred to, had for its real motive the laudable and peaceful object of terminating the rivalry between Spain and Portugal. It only partially succeeded, however, for, while the Spaniards and Portuguese agreed to navigate only in their respective spheres, even the Pope himself was unable to determine the line of longitude dividing these spheres of influence at the other side of the globe. And this is where the point of dispute arose which indirectly brought about the discovery of that group of islands since known as the Philippines. Each nation claimed that the Moluccas, or Spice Islands, fell within its half.

Then there appeared on the scene in the Portuguese court a certain cavalier, named Hernando de Maghallanes (Ferdinand Magellan), who, having failed to secure the attention of the king to his scheme for a voyage of discovery, offered his services in the Spanish capital. Here, after many tedious delays, he was permitted to approach the Spanish King, Charles I, who, in the end, gave his royal assent to the discovery of a western route to the Moluccas. A fleet was fitted out, and sailed under the command of Maghallanes. It was in this voyage that he discovered the channel now known to the world as the Straits of Magellan. The Pacific Ocean was crossed, the Ladrone Islands were visited en route, and eventually Maghallanes found his way to an island which now forms one of the Philippine Archipelago, namely, Cebu.

After a series of negotiations with the native king, he declared the King of Spain to be the suzerain lord. Then he went to fight the battles of his master's new liege and was unfortunate enough to be fatally wounded by an arrow. Half a century had passed away when, in 1570, a new expedition was sent out from Mexico to annex the island discovered by Maghallanes and the group known to be adjacent from information received from the crews of Maghallanes' fleet. The leadership was confided to Miguel de Legaspi, who proceeded to Cebu Island, and after protracted efforts and arrangements with the chieftain declared the island to be under the suzerainty of the King of Castile. Here he founded a colony and initiated the disastrous policy of favoring the intermarriage of Spaniards with natives, under the mistaken impression that it was the true means of drawing closer the ties with the conquered race. Then, having heard that there was a kingdom of Maynila within a few days' sail, he went in search of it and found himself in Borneo, in the Sultanate of Brunei. There he was informed that traders came down with all sorts of fine goods, including silks and other fabrics, so, with more or less crude sailing directions, he brought his ships up to Maynila.

The king of that place peacefully accepted the treaty offered, including the suzerainty of the King of Spain, and in 1571 Legaspi proclaimed Manila to be the capital of the Philippines in lieu of Cebú, which place, however, remained thenceforth an episcopal city. It was found that the Chinese, from time immemorial, were in the habit of coming down to Manila, with the northwest monsoon, in their junks laden with Canton goods, and the natives went out in canoes to barter alongside. The Chinese would not trust themselves on land. With the southwest

monsoon they returned to China. Legaspi encouraged this trade, and little by little, under a more settled government, the Chinese ventured ashore. They became so numerous that they had to be specially located, and an establishment, the Alcayceria, was erected for them outside the city. It resembled a big circus, with pigeon-holes all around for their dwellings. Later on they were admitted inside the city, and the particular place allotted to them was called the Parian. The city gate there is still known as the Puerta del Parian. Several times the Chinese have unsuccessfully risen against the Spaniards.

The present population of Manila, which is about 350,000, includes some 60,000 Chinese and 10,000 Chinese half-castes. These hold quite four-fifths of the retail trade. In the provinces there are about 40,000 Chinese and Chinese half-castes.

There are three chief channels of speech in the islands which may be termed languages, namely, Tagálog, Visaya, and Moro, of which the total number of dialects is reckoned at twenty-two. The official language everywhere is Spanish. Besides the groups of natives already alluded to as being more or less under Spanish dominion, there are several independent mountain tribes known as Negritos, Igorrotes, Tinguianes, Tagbanuas, etc., who never have been subdued. I remember meeting the expedition sent north from Manila in 1881 to reduce them to submission. It was a total failure; but the general was rewarded with the title of Conde de la Union and a Te Deum was chanted in the capital in thanksgiving for imaginary victories.

The theory which soothed the consciences of the first military leaders was that either the soul must be prepared for salvation in the living man or the body must be annihilated. For generation after generation raids were repeatedly made on the natives for the crime of passive resistance to what they could not comprehend. With the cry of "Viva Castila!" bands of Spanish soldiers opened the way with blood for the monk to enter into the breach and palliate the wound with silvery phrases to the terror-stricken converts. The cry of Castila came to represent everything that was terrible beyond all hope of mercy, and was, and is to this day, used in that same sense. Castila in the north and Cachila in the south mean the same, and often in the rural districts I have heard the cry of fright, "Castila!" as a child noticed me approaching. Mothers, too, in my presence, have often made their children cease crying by pointing toward me and pronouncing in subdued tone the dread word, "Castila!"

After years of study of the native character, I have come to the conclusion that the Philippine islander is very matter-of-fact. He is not unwilling, but unable, to conscientiously accept an abstract theory. Christianity, with its mysteries, has therefore no effect on his character, but he becomes accustomed to do that which his forefathers were coerced to do, namely, to accept the outward and visible signs without being imbued by the inward and spiritual grace. The mere discipline—the fact that, nolens volens, they must at a given hour on a given day appear dressed in their best and attend the church and (in the case of headmen) go to the monk's residence to "kiss hands"—has certainly had the effect of taming the masses into orderly beings. Yet restraint of any kind is repugnant to him. He likes to be as free as a bird, but he is of a pliant nature, and easily managed with just treatment. He is extremely sensitive to injustice. If he knows, in his own mind, that he has done wrong, he will submit to a thrashing without any thought of taking revenge. If he were punished out of mere caprice, or with palpable injustice, he would always have a lurking

desire to give a quid pro quo. He has an innate contempt for cowards, hence his disdain for Chinese, but will follow a brave leader anywhere, and will never be the first to yield to hunger, fatigue, or possible chances of death. He takes every trouble with profound resignation: he promises everything and performs little; his word is not worth a straw, and he does not feel that lying is a sin. He is inconstant in the extreme, and loyal so long as it suits him, but as a subject he can be easily molded into any fashion which a just, honest, and merciful government would wish.

From the foundation of Manila in 1571 up to the year 1819 the colony of the Philippine Islands was a dependency of Mexico. During that long period there was absolutely no direct intercourse between the mother country and her far Eastern colony. Everybody and everything destined for the Philippines passed through Mexico until that American colony threw off the Spanish yoke. Thenceforth, for fifty-one years, communication with Spain was via the Cape of Good Hope. The commercial history of the Philippines would be too long to relate here in extenso; suffice it to say that it is a series of struggles between the colonists, who sought liberty to trade freely with Mexico and China, and the Spanish King and his councilors and the trading community in Spain, who persistently determined to curtail that freedom as much as possible. The policy of the Spanish merchant class was to hold Mexico as their exclusive market. They opposed Philippine traffic with China because this necessitated silver dollars, which they knew must come from Mexico surreptitiously, if the islanders were not openly permitted to give goods in exchange.

The famous galleons, which were so frequently intercepted and seized by British privateers from the days of our Queen Elizabeth onward, formed the only connection between Mexico (Acapulco) and Manila. The regulations for shipping were, however, so restrictive that only the favorites of the authorities ever secured a chance. The arrival of the galleon in Manila Bay was the event of the season or the year. For the Europeans it was a sort of Robinson Crusoe life, with additional possible dangers. The ferocious (at times bloody) contentions between church and state authorities were enough to obliterate all the moral prestige which the Spaniards ever had or might have had among the natives. The galleon usually brought, together with the Mexican dollars, fresh restrictive royal decrees and a motley crowd of all sorts and conditions of men; friars who had to relate how they had saved the ship from total wreck by an appeal to the Virgin; a mob of notaries who had bought their offices in public auction in the City of Mexico; some dignitary who was destined to fan the flame of discord; perhaps a crowd of low type fortune seekers, and last, but not least, a mysterious individual of gloomy aspect whose mission none understood, but who would turn out to be the official "snake in the grass"—a spy from the holy office of the Inquisition—a social scourge.

For about a century and a half after the foundation of Manila the provincial government was handed over to the mercy of low-class Spanish adventurers. A common soldier would be rewarded for his services with an encomienda, i. e., a tract of land over which, together with the natives settled thereon, he had almost absolute control. The lives of the natives became a perfect misery. Successive reforms brought first a functionary who was at the same time governor, judge, and licensed trader.

The abuses were so glaring that, after long entreaty, he was superseded by a judge-governor, and I remember when, a few years ago,

these offices were divided. Now each branch of government has its separate delegate in each province, and there are also two provincial supreme courts. There is also a fortnightly subsidized steamer service from Manila to each provincial government. All appointments are made direct from Spain, and with every new ministry in Madrid comes a flock of new favorites to the islands. The Governor-General is usually a lieutenant-general in Spain, with the local rank of captain-general, but recently captain-generals (in Spain) have been sent out.

I have so far only alluded to the civil and military government, which is virtually nothing more than the executive of the ecclesiastical authority. The real rulers of the islands are the four corporations of friars—namely, the Austin, Dominican, Franciscan, and Recoleto orders. Their influence has been predominent since the foundation of the colony. In times gone by there have been most fierce contests between the governors and the monastic orders, in which the former have almost invariably been the losers. One governor-general, Bustamente, was murdered in his palace at the instigation of the holy friars, who followed up his dead body and hooted as it was being dragged through the streets of Manila. They caused Governor-General Solano to be poisoned. Only last year a certain father Piernavieja, who had committed two murders in the provinces and was still permitted to say mass, was put to death by the rebels. Any governor-general who displeases the monks is recalled. In recent times, General Despujols had to leave in 1892, after eight months of office, because he ceased to be a persona grata to the priests. A native, Dr. Rizal, had written and published some facts about the monastic orders, and Despujols refused to have this man put to death for it.

Then, again, he ordered a search to be made in a convent of the Austrian friars, and there found a printing press and seditious leaflets being printed for the priests, who intended, by distributing them, to attribute to the natives an attempted revolt. General Blanco (now in Havana) was recalled at the instigation of the friars, because he proved to be too humane for them when the rebellion broke out. Finally they succeeded in having appointed a Governor-General after their own hearts, Camilo Polavieja, through whom they had the Dr. Rizal above mentioned executed in Manila in January of last year. His widow was a Hongkong American girl.

In 1872 there was some discontent among the secular native clergy, because the monks persisted in holding the incumbencies, notwithstanding their own rules of community and the council of Trent decree which prohibited it. The friars, therefore, determined to nip this native ambition in the bud. They instigated a little revolt of the troops at Cavite and attributed the plot to the native clergy. Four native priests fell victims to the intrigue and were publicly executed. Then, following up the scheme, native priests were declared incompetent to hold incumbencies. At the same time several of the best families of Manila were banished and despoiled of their property. I am personally acquainted with two of these victims; one resides in Hongkong, and the other has for years past had his office near Leadenhall street, London.

Manila is an archbishopric and there are six provincial bishoprics. The total number of parishes will be about 620, of which the friars hold about 95 per cent. As parish priest the Spanish friar is beyond all control of the civil government. He can neither sue nor be sued. He is quite independent of all State authority. He may prove to be the vilest criminal with all impunity. His superiors would pretend to

punish him, but they would never expel him; they are themselves sheep who protect their own lambs.

He acts, however, as voluntary (and very willing) government agent. He meddles in every public affair of the township by recognized right. If he can not have things all his own way and influence every public act, from the election of native headman downward, he singles out for revenge all those who have outvoted him. And this is generally what happens, at one time or another, in half the parishes. If a young man, who has been educated in Manila or Hongkong, returns to his native town with somewhat advanced ideas, or merely salutes the priest as a gentleman instead of kissing his hand as his spiritual father, he, too, is marked for social ruin one day. The father of a family of attractive daughters has also to be careful lest the charms of his offspring bring about his own fall. In short, in one way or another, the native who possesses anything worth having has either to yield to the avarice, lust, or insolence of the Spanish priest, or to risk losing his liberty and position in life. The parish priest has simply to address what is called an "oficio" (official advice) to the governor of a province, who remits it to the Governor-General, stating that he has reason to believe that the individuals mentioned in the margin are persons of doubtful morality, or conspirators, or disloyal, or whatever he may choose to dub them, and recommend their removal from his parish. In due course a couple of civil guards will suddenly appear at the door of each named individual. Without warrant or explanation of any kind further than "by order of the governor," he is marched off to the capital town and cast into prison. Later on he is sent up to Manila, and without trial or even defined sentence, he is banished to a far-distant island.

In 1896 I met three old friends of mine on board a steamer, who were being transported in precisely similar circumstances. I could hardly believe my own eyes. They were well-to-do planters, and the last time I saw them, prior to this occasion, I was the guest of one of them in their town of Taal (Batangas Province). His well-served table, his carriage and horses, had been at my disposal. Now, alas! I found these men treated as criminals, with iron anklets slipped on one iron bar and padlocked. They were on the upper deck, exposed to the rain, sun, and heavy dews day and night. All I could do for them was to secretly supply them with food and clothing. In the law courts nothing can be obtained without "greasing the palm," and then it only brings a sentence with a loophole for reopening the case when the judge likes. The same system of "squeeze" obtains in all the government departments, from the half-dollar slipped into the hand of the native scrivener to the thousand dollars or more quietly laid on the table of the dignified holder of the scales of justice.

From the preceding facts it may almost be surmised what are the causes of the rebellion. The movement had for its objects (1) the expulsion of the monastic orders; (2) the abolition of the Governor-General's arbitrary power to banish without accusation, trial, or sentence; (3) restoration to the natives of the lands held by the religious orders; (4) a limitation of the arbitrary powers of the civil guard; (5) no arrest without judge's warrant; (6) abolition of the fifteen days per annum compulsory labor. The government was quite unprepared for this rebellion, which broke out in August, 1896. The first official acts were very impolitic. Three hundred representative natives were arrested on suspicion, and this probably spread the movement. A week after this the first battle was fought (at San Juan del Monte),

and I rode over the scene of slaughter a few hours after, before the slain were removed. A few days later I witnessed the execution of the first four who were doomed to pay the extreme penalty. Two months afterwards I saw 13 Chinese half-castes shot at Cavite.

For want of troops General Blanco acted on the defensive till reenforcements came from Spain, but meanwhile the altercations with the archbishop, who pressed for the most bloodthirsty measures, caused Blanco to be recalled. General Blanco was succeeded in December, 1896, by General Polavieja, and he was in turn superseded by General Primo de Rivera, whose place is now occupied by General Augusti, in chronic feud with the archbishop.

The warfare in the northern provinces lasted from September 1, 1896, till December, 1897, when the Spaniards sued for peace and commissioned a well-known native of Manila, named Paterno, to negotiate it. The terms were drawn up in the treaty of Biac na Bato, and signed on December 14 last between General Primo de Rivera and General Aguinaldo. As Aguinaldo had obtained all that he had fought for, he and his chiefs retired to Hongkong, accompanied by Colonel Primo de Rivera, to await the fulfillment of the terms of the treaty.

Gen. Emilio Aguinaldo is a smart, intelligent man, of a serious mien, small in stature, and apparently a little over thirty years of age. He has served as the petty governor of his native town in Cavite province and speaks Spanish very well for a native. He is by no means an adventurer with all to gain and nothing to lose, but a landed proprietor. He is a would-be reformer of his country, but, convinced that all appeal to Spain is futile, he has at last resorted to force. Gen. Primo de Rivera is now safely back in Madrid, and the Philippine Islander and the treaty of Biac-na-Bato are laughed at. This is a repetition of Cuban policy.

It is on these grounds that Aguinaldo holds himself justified in returning to the scene of his battles, not again to fight for reforms to be effected by those who have no honor, but to cooperate in forcing the Spaniards to evacuate the islands. In April last General Aguinaldo concluded a secret agreement with Admiral Dewey, subject to ratification by the United States Government. Since then we know that Aguinaldo has arrived in Cavite and been well received by his old followers.

The climate of Luzon Island is excellent, and the Spanish undisciplined troops of tender age and frail physique will have little chance against the swarthy Americans and Aguinaldo's party. It is provisionally agreed that Aguinaldo shall set up a local republic. General Aguinaldo's plan, I am informed, is to establish at Manila a congress to which deputies from all the principal islands will be invited. I do not hesitate to prophesy that, unless under European or American control, the scheme will end in complete failure. At first, no doubt, the islanders will welcome and cooperate in any arrangement which will rid them of monastic oppression. The Philippine Islands, however, would not remain one year a peaceful united archipelago under an independent native government. It is an utter impossibility. There is such racial antipathy that the Visayas would not, in this generation, submit to what they would always consider a Tagalog republic, and the Tagalogs, having procured the overthrow of the Spaniards, would naturally resent a preponderance of Visaya influence. Families there are very closely united, but as a people they have little idea of union. The rivalry for prestige at the present day between one village and another on the same coast is sufficient

to prove the tendency to disintegrate. The native likes to localize, to bring everything he requires or aspires to within his own small circle. If his ambition were to be a leader of men he would be content to be a king in his own town. Native ideas are not expansive and far-reaching. Then the question arises, Who would be the electors? The masses are decidedly too ignorant to be capable of voting intelligently. The votes would be entirely controlled by cliques of landowners.

If the native republic did succeed, it would not be strong enough to protect itself against foreign aggression. The islands are a splendid group, well worth picking a quarrel and spending a few millions sterling to annex them. I entertain the firm conviction that an unprotected united republic would last only until the novelty of the situation had worn off. Then, I think, every principal island would, in turn, declare its independence. Finally, there would be complete chaos, and before that took root America, or some European nation, would probably have interfered; therefore it is better to start with protection. I can not doubt that General Aguinaldo is quite alive to these facts; nevertheless, I admire his astuteness in entering on any plan which, by hook or by crook, will expel the friars. If the republic failed, at least monastic power would never return.

A protectorate under a strong nation is just as necessary to insure good administration in the islands as to protect them against foreign attack. Either Great Britain or America would be equally welcome to the islanders if they had not the vanity to think they could govern themselves. Unless America decided to start on a brand new policy it would hardly suit her, I conjecture, to accept the mission of a protectorate so distant from her chief interests. England, having ample resources so near at hand, would probably find it a less irksome task.

For the reasons given above, the control would have to be a very direct one. I would go so far as to suggest that the government should be styled "The Philippine Protectorate." There might be a chamber of deputies, with a native president. The protector and his six advisers should be American or English. The functions of ministers should be vested in the advisers and those of president (of a republic) in the protector. In any case the finances could not be confided to a native. The inducement to finance himself would be too great. All races should be represented in the chamber by men of their own class, otherwise there would be wire-pulling by the half-castes to secure a monopoly.

The total population of the islands amounts to about six millions. The chief products are hemp, sugar, leaf tobacco, and cigars. The articles of minor importance for export are choice hard woods, dyewoods, copra, rattans, palm-leaf hats, gums, etc. The islands are extremely fertile, and will produce almost anything to be found in the Tropics. I estimate that barely one-fourth of the tillable land is now under cultivation. There is at present only one railway of 120 miles. A number of lines would have to be constructed in Luzon, Panay, Negros, Cebu, and Mindanao islands. Companies would probably take up the contracts on ninety years' working concession and ninety-nine years' lease of acreage in lieu of guaranteed interest. The lands would become immensely valuable to the railway companies, and an enormous source of taxable wealth to the protectorate. Road making should be taken up on treasury account, and bridge construction on contract, to be paid for by toll concessions. The port of Iloilo should

be improved, the custom-houses abolished, and about ten more free ports opened to the world.

Under the protectorate undoubtedly capital would flow into the Philippines. The coal beds in Luzon and Cebu islands would be opened out; the marble deposits of Montalban and the stone quarries of Angono (both near Manila) would surely be worked. The possibilities of development under a free, liberal government are so great that the next generation would look back with astonishment at the statistics of the present day. The chamber of deputies would no doubt adopt measures to avert the danger of an overwhelming influx of Chinese.

The city of Manila is situated at the mouth of the Pasig River, on the eastern extremity of a bay which is 27 miles across from east to west. At the western extremity there is the island of Corregidor, which, if fortified and equipped with modern armament, would command the entrance to the bay. Six miles southwest of Manila City there is a little neck of land on which stand the fort and arsenal of Cavite. Cavite and the headland are now in possession of Admiral Dewey's forces. An attack on the Americans by sea is of course out of the question since the annihilation of the Spanish fleet. Any body of troops moving along that strip of land which connects Cavite with the mainland of the island could be effectually shelled from the American ships. Dewey and his party are therefore perfectly safe pending the arrival of reenforcements.

The city of Manila is practically divided into two parts. The official or walled city is built on the left bank of the Pasig River and the commercial city is situated on the Island of Binondo, which forms the right bank of the same river. They are connected by a well-built stone bridge, a little over a mile up the river. Proceeding up the river, which is very tortuous, one reaches a lake fed by numerous streams which flow down the crevices of the surrounding mountains.

The banks of the Pasig are beautifully picturesque, quaint, and interesting. For about a mile and a half from the stone bridge mentioned above they are dotted with charming villas, the English club at Nagtajan, the Governor-General's châlet, etc., surrounded by palm trees and all the luxurious grandeur of tropical vegetation. In early morning the Pasig presents a lively scene, with the hundreds of canoes skidding rapidly downstream laden with supplies for the capital. Excepting a few shops and craftmen's workrooms there is no trade in the walled city, the principal buildings being the cathedral, many churches, the archbishop's palace, the university, high schools, military and civil government offices, an ordnance depot, and other official establishments. The Governor-General's official residence was destroyed by an earthquake in 1863, and a new one is in course of construction. The walls which entirely encircle the city were, no doubt, a formidable defense up to a century ago, but are quite useless against modern artillery. This is fully recognized by the Spaniards themselves, who have indeed frequently discussed their demolition, but tradition and a just appreciation of their worth in case of rebellion have preserved them. Of the ordnance mounted on the walls there are two pieces of modern type. According to the latest reliable advices, the Spaniards are going to the useless trouble of putting the drawbridges in order and flooding the surrounding moats, and throwing up earthworks and sandbag defenses, all of which would be very effectual against an unsupported attack of the rebels only. Across the river, the quarter of Binondo (with the suburbs) constitutes the trading center. Here are located the foreign and other merchants' offices and warehouses, and the whole trade of Manila is transacted on this side of the river. It has no

military defenses of any kind, and the bombardment of the Spaniards' stronghold might, for obvious reasons, be very well confined to the left bank of the Pasig River. This would, for military purposes, be just as effectual as a general bombardment, for surely the Spaniards would never attempt to hold out after their walled city had been leveled. If they did, the rest could be as well accomplished after the landing on the city ruins, and thus the principal trading interests (mostly foreign) would not be sacrificed. I do not consider the rebels concentrated around Manila sufficiently strong or well enough organized to effectually starve the Spaniards into surrender. The natives are fine soldiers when well led; so, if after the walled city is demolished the Spaniards still hold out, then the cooperation of the rebels will be invaluable in the final assault.

Spain as a conquering nation has been a great success; but the days of conquest have long gone by. As a colonizing nation she has proved a great failure from the beginning, for wherever she has ceased to hold her own by sheer force of arms no merited gratitude of a prosperous people has been able to hold together those bonds originally created by the sword. Where military despotism has opened the way, generous intelligent administration has not followed in the wake to promote the happiness and well-being of the subjected races. The two great factors in the decline of Spanish rule have been religious despotism and greed. Liberty to till the land and take the produce thereof, to journey from place to place, to cull the wild fruits of nature, has only been wrung from the Spaniards bit by bit. Repressive measures, contrary to the spirit of the times and repugnant to the instincts of the people, never did succeed anywhere. The natural result is reaction, revolution, and social upheaval by force. The most loyal colony is that which yearns for nothing at the hands of the mother country.

It seems almost incredible that statesmen of the caliber of the late Cánovas del Castillo, himself a historian, accustomed to look back and weigh the consequences of statecraft, should have been so blind to the power of the will of the people. Historical precedent should have taught him how realizable was the theme of Cuba libre. But stubborn pride and a failure to act opportunely have left Spain with only traditional glory. Unfortunately, this very glory has compelled her to pick up the gauntlet thrown down by the United States. Spaniards are so constantly chewing the cud of their past victories—ever patting each other on the back over the deeds of remote heroes—that they fail to see why the warrior of a hundred battles, now tottering with decrepitude, can no longer enter the lists and break lances with a more virile competitor. Spaniards can not tolerate being told the bare, distasteful truth. If the ministers, who, from behind the scenes, are able to appreciate the comparative forlornness of their resources and the futility of resistance, were to deny the popular romance, that what Spain has done she can do again, the first spark of revolution would be kindled.

Undoubtedly not a few of them go abroad and read, mark, and learn to their individual advantage; but who of them would have the courage to return to Spain and expose her fallacies, with no prospect of carrying conviction, and a certainty of being déclassé—a social outcast with the epithet of anti-Español?

So to the inspiring strains of the Marcha de Cádiz the youth, encouraged by the beauty of every town and village, has gaily gone forth to sacrifice its all for national pride and letters of gold in the annals of its country.

HAMBURG, *June, 1898.*

THE PHILIPPINE ISLANDERS.

[The Fortnightly Review, July, 1898.—By Lucy M. J. Garnett.]

Both the great island possessions—in the West and East Indies, respectively—which are now the seats of war between Spain and the United States were, for a time during last century, possessions of the British Empire. Havana and Manila were both captured by Great Britain in 1762, and Cuba and the Philippines occupied. A very rare and interesting plain narrative of the capture of Manila was published by Rear-Admiral Cornish and Brigadier-General Draper in reply to accusations of infringement of the capitulations made against these officers by the Spaniards. Their own allegations are sufficiently strong: "Through the whole of the above transactions the Spaniards, by evasions, avoided complying with the capitulations in every one respect except in bringing the money from the *Misericordia* and *Ordentacara* [ships], which it was out of their power to secrete. They basefully and ungratefully took up arms against us after having their lives given them. They preached publicly in their churches rebellion," etc. At the peace of Paris, however (1763), which concluded the seven years' war, Canada, Louisiana, and various islands in the West Indies having been ceded by France, and Florida and Minorca by Spain, Great Britain on her part ceded to the latter power Cuba and the Philippines. Yet there is still to be seen—or was during my residence at Manila—at the mouth of the Pasig, and under the ramparts, a dilapidated brick and stucco monument with an inscription celebrating the expulsion of the invading British by the noble and patriotic Don Simon de Anda—an inscription which afforded great amusement to British naval officers visiting the port.

Few island clusters are so uniformly beautiful as the Philippine group, nor among these can any vie with its chief island, Luzon, in verdure-clad, cloud-capped mountains, fertile plains and valleys, wide fresh-water rivers, placid inland lakes, and sparkling waterfalls. Discovered by the great Magellan in 1521, and named twenty-one years later by Villalobos in honor of Philip II, then Prince of Asturia, this archipelago was finally won for the Spanish Crown by the intrepid Miguel de Legaspi. First obtaining a footing in Cebu, he, in 1564, subdued part of Luzon and founded Manila, gradually extending the Spanish dominion into the rest of the islands forming this group.

The Philippine islanders comprise many races and tribes, presenting varied characteristics. They may, however, be classed generally into three chief groups: Ilocan Malays in the north of the archipelago, Tagals in the center, and Bisayans in the south. In the north, more particularly, there is an infusion of Chinese, Formosan, and Japanese blood; on the eastern shores are traces of Polynesian or Papuan admixture, while part of the population of the large southern island of Mindanao resemble the Dyaks of the opposite Bornean coast. But though

the Philippines have been for over three centuries a Spanish possession, it is computed that, at the present day, one-fifth of the population of Luzon and one-fourth of that of the southern Bisayas islands are still unsubjected to Spain, while in Mindanao only small portions of the coast districts are occupied by the Spaniards. The only section of the native inhabitants which has been completely subdued, converted to Christianity, and domesticated are the Tagals and some of the Bisayans of the southern islands.

The Tagals are of a markedly Malay type, having smooth black hair, prominent cheek bones, large lively eyes, and flattish noses with dilated nostrils. They are, as a rule, of rather low stature, slightly built, and of a copper color, more or less dark. The absence of beard in the men gives them a juvenile appearance, even when middle-aged, and their features generally are smooth, smiling, and unworn.

Whatever may have been the original character of the Tagals, it has doubtless been greatly modified by their subjection to Spanish rule, and equally so by their conversion to Christianity; and they now present such a strange compound of contradictory qualities that their moral portrait is difficult to depict. The character of the domesticated native is, indeed, a series of surprises. Those who take the trouble to study him are every year led to some new conclusion. Perhaps it is best summed up in the words of one of their priests: "They are big children, whom one must treat as little ones." The Tagal's leading characteristics, however, doubtless depend less on himself than on natural laws; he is what his environment has made him. The old tribal customs, which had the good of the community for their aim, and constituted his primitive morality, are now, when not altogether forgotten, reserved for native intercourse; and the Tagal has no moral code to direct his dealings with his Spanish master save that which he himself has taught his servant. Before entering the palm-leaf hut of a friend he will spend fully three minutes in the interchange of courteous phrases; but he enters a European house without ceremony.

A Tagal keeps his word, and yet he is a liar. Anger he holds in horror, he compares it to madness, and prefers to it drunkenness, which he also greatly despises. Insult and injustice he can not brook, and will unhesitatingly use the knife to avenge either. He will never willingly confess a fault, but lie to hide it; yet he receives a flogging for it without a murmur. Debt he considers rather as an inconvenience than a calamity; when in pecuniary difficulties he will spend all his ready cash on a feast to his friends, to keep up appearances, and he never thinks of returning a loan unsolicited. He, on the other hand, never repudiates his debts, but transmits them to his heirs if, at his death, they remain unpaid. Misfortune he bears with stoical and fatalist indifference; concerned only with his immediate necessities, he is apt to let the morrow take care of itself. Under the eye of a master he is the most tractable of beings, and will go without food for hours, without complaint, if supplied with betel nut to chew. He gives himself no airs as a servant, and if hired as a coachman will raise no objection to being employed as cook, carpenter, or boatman, being ready to turn his hand to anything. He has a profound respect for the elders of his family, treats his children kindly, and extends his aid and protection to everyone claiming relationship, however remote.

When, in the interior, he is called upon to offer hospitality to strangers, he not only refuses to accept payment from them in return, but places at their disposal his ponies, vehicles, and gun, and shows them every attention in his power. An intrepid climber and rider, he mounts

the tall forest trees like a monkey, using feet and hands equally; he rides barebacked the most spirited pony, plunges without hesitation into shark-infested waters, and dives into alligator-haunted lakes to attack their occupants. Endowed himself with courage of this description, he has the greatest admiration for bravery in others, and an equal contempt for cowardice. Under a leader in whom he has confidence he makes an excellent soldier; but, losing him, he becomes at once demoralized. Incapable of organization on any considerable scale, no revolt, if confined exclusively to the Tagals, would have a chance of success.

Brigandage, which has long been common in these islands, first came into prominence about the middle of the eighteenth century. This profession has a great attraction for the Tagal, not so much on account of the gain he may derive from it, as of the life of freedom it offers him, and escape from payment of the tributo which, though by no means a heavy tax, he much disliked paying in the years before its repeal. I have heard of cases when the only reason for a native's taking to the mountains has been his unreadiness with the few shillings demanded of him, probably lost in the cockpit on the preceding day. These outlaws are occasionally arrested by the guardia civile and lodged in prison, but by the connivance of the legal functionaries, who fear the vengeance of their comrades, they are either set free, allowed to escape, or are comfortably established in some penal settlement. The more ignorant Tagals of this class believe that certain persons are endowed with an uncanny power, called by them anting-anting, which renders its possessor invulnerable. Brigands, when captured, are often found wearing a medallion with the image of the Virgin, or some saint, as a symbol of anting. The neighborhood of the famous shrine of Antipolo, to which I shall have occasion again to refer, and the hills of San Mateo, are favorite haunts of these marauders, though we certainly saw nothing of them during a delightful excursion made to the latter region. Another class of outlaws, known as remontados, are to be met with in the hills. As their name implies, they are natives who, weary of the thraldom of civilization, have cast it aside to return to the wild, free life of their remote ancestors, with no taxes to pay, no forced labor to perform, their wants satisfied with game from the hills, fish from the streams, berries and wild honey from the woods.

Gambling may be said to be the one vice of the Philippine Islander, and takes chiefly the form of cockfighting—more ruinous for him in its effects than the earthquakes and cyclones by which his home is occasionally devastated. With the Tagal, even more than with the Malay generally, this pastime is a passion pushed to the extreme. In every native hut, in every craft floating on the Pasig, a cock is to be found undergoing training as careful as that bestowed in the west on a race horse—though perhaps to perish on its first appearance in the lists. A native at leisure is seldom seen without his gamecock, a pretty creature, not much larger than a bantam, which he carries under his arm; and should his hut take fire, his first thought is his favorite, which, having secured, he leaves the rest to fate. Cockfights are held regularly on Sundays and festivals, and, in Manila, on one day in the week as well; and the laws regulating them, which contain as many as a hundred clauses, are very strict. The spectators stand, or squat on their heels—the favorite native posture—on a sloping floor, at the foot of which are the lists. The maximum stake is $50, and one spur only is allowed to each cock. The Chinaman, who farms the *gallera*, collects the bets, which, relatively to the wealth of the company, are enormous, Tagals of the poorest class often staking from three to four dollars and going supperless to bed in consequence.

Meantime the owners of the first combatants are arming their champions with a sharp steel spur some 2½ inches long with as much care as is given to saddling a horse for the Derby. When all the bets have been collected, the cocks are faced. Should one run away without being injured, which does not often occur, he is declared beaten, and a new antagonist brought to face the victor. This time the combatants are probably more equally matched, and the excitement of the reeking crowd of Tagals and Chinamen increases. The cocks fly at one another, meeting breast to breast, their uplifted claws directing the points of their spurs at the adversary, again and again endeavoring to strike a fell blow, chance generally determining the victory according to the vulnerability of the part penetrated by the blade. At last one of the cocks reels, falls, and expires, and the victor executes a triumphant dance over the bleeding corpse of his vanquished foe, while the shouts and exclamations in Tagoloc and Chinese, which have accompanied the struggle, increase to a perfect babel.

Another form of gambling, to which the women are almost as partial as the men, is the purchase of tickets in the Government lotteries. These tickets are divided and subdivided until a share may be bought for a peseta (6d.), and much of the spare cash of the natives thus finds its way into the coffers of the hacienda. This gambling propensity of the Tagals is occasionally exploited in various ways. During my residence in Manila a bazaar was organized for the benefit of the general hospital, but instead of the articles collected being sold in the usual way they were piled into a pyramid in the center of the temporary construction erected for the purpose, the lottery tickets disposing of them being sold in the numerous stalls held by the leading ladies of the Spanish and foreign communities. A five-dollar packet of tickets contained one prize only; it might be of the value of a shilling or two, or of several pounds, and a single ticket at the price of a peseta had as much chance of winning one of the latter as a five-dollar packet one of the former. Accordingly, all ranks of natives, on three successive evenings, thronged to the bazaar, and spent their money liberally, patronizing, in preference, the stalls held by foreigners, apparently having more faith in the bona fides of these than of the Spaniards, with the result that at the combined British and American stall, at which I assisted, several hundred pounds were taken.

The sixteenth-century colonizers of the Philippines had the wisdom to allow the natives they domesticated to retain, to a great extent, their own tribal government, the only change of any importance made in the existing system being the total abolition of the form of slavery practiced. While the Spanish Governor-General took the place of the sultans and greater chiefs, the datos, or feudal lords, were appointed gobernadorcillos, or petty governors of the villages and townships, which were termed, according to their importance, pueblos and visitas, or retained their native appellation of barangay. To these petty governors and their lieutenants and cabezas, as the head men are termed, were intrusted the duties of mayor, magistrate, and tax collector, respectively. They were made responsible for the poll tax, levied, until 1884, under the name of tributo, on every adult native; for the proper performance of the statute labor, which consists of forty days' road mending and other municipal work, and some days' service as cuadrilleros, a kind of municipal and cantonal gendarmerie commanded by the gobernadorcillo.

Such, in brief, is the internal organization of these islands, instituted at the conquest, and perpetuated till the present day, to the great advantage of their rulers. The mass of the population were probably

not long in coming to regard favorably a religion and government which abolished slavery and replaced by exact laws the former somewhat arbitrary rule of their datos. The latter, finding themselves abandoned by their vassals, were naturally glad to secure what honors and power were left to them by the conquerors through the exercise of these new functions. Though nominally no longer hereditary, but elective, these offices probably continued for some time to be the appanage of the feudal lords. At the present day there are living in Manila descendants of these former sovereigns of the archipelago, who enjoy a certain consideration, and have been invariably loyal to their Spanish rulers.

The Philippine laws relating to the property of married persons are exceedingly quaint and interesting, being entirely in favor of the wife. The property of a bride is never settled on the husband. If a man is poor, and his wife well-to-do, so they remain throughout their married life, he becoming simply the administrator of her possessions, but having no right to them. If a husband becomes bankrupt in a business in which he has invested some of his wife's fortune, she ranks as a second-class creditor under the commercial code. Even on her death, the husband can not, save under a deed executed by her in the presence of a notary, derive any benefit from her estate, as her children, if she have any, and if not, her nearest blood relatives, are her heirs. Thus it not unfrequently happens that the father of wealthy children is himself impecunious, and dependent on their generosity for support; though at the same time he is compelled by law to manage their affairs while minors, and, at their majority, to render a strict account of his stewardship. A married woman continues to use her maiden name, to which she adds her husband's with the prefix *de*. This she abandons when left a widow, save for purposes of business or convenience. Children also bear the names of both father and mother; that of the mother comes last, and is consequently the more prominent. It is, however, only since 1844 that the mass of the natives have adopted family designations. In that year a list of Spanish surnames was sent to the priest of every parish, from which the head of each household chose the cognomen which best pleased him. Thus, one may find such noble names as Legaspi de Salceda, Lopez de Vega, etc., borne by the dusky-hued natives of the interior of Luzon.

Such being the legal status of women in these islands, it naturally follows that they enjoy a considerable degree of personal independence, which, in some localities, economic conditions tend to increase, especially among the working classes. The chief of these economic conditions has been the almost exclusive employment in the Government cigar factories of women. The staple industry of the city being thus debarred from men, various occupations and industries usually performed by women fall to their share. Into male hands has fallen to a great extent the manufacture and embroidery of the gauze made from the long silky fibers of the pineapple plant. By the men are also woven, on primitive handlooms, the dainty jusi-striped gauzes made from Chinese silk and the hempen abaca. In their homes, too, while the wife is earning the family bread—or rather rice, their staple food—the husband looks after the children and cooks the dinner. It is also very difficult to get women to act as nurses and maids in European families; and more than one English family of my acquaintance found themselves under the necessity of drafting into the nursery one or more of the muchachos or "boys" of the household, often finding these male nurses more satisfactory in many respects than the women. This approximate "equality of the sexes" in the Philippines, not accorded to

them by Christianity, but to a great extent merely a survival of their own ancient tribal customs, affords further evidence of the untruth of the assumption by the Mill school of the immemorial and world-wide "subjection of women."

Marriages among the Tagals are usually arranged not by the principals but by their parents. The father and mother of a marriageable youth visit the relatives of the maiden selected, and in conventionally flowery and allegorical language hint at the possibility of a matrimonial alliance between their respective families. The replies of the maiden's parents are equally vague and circumlocutory, and plain speaking is only resorted to when it has become evident that the parties are mutually agreed. Tagal mothers are mercenary to a degree, and when both parties are native, if a hitch occurs it is usually owing to a disagreement about dollars. If, however, the suitor is a half-breed, or European, he is unconditionally accepted, ambition and vanity getting the better of avarice. These preliminaries settled, the donations propter nuptias are paid by the youth's father to the bride's parents to defray the expenses connected with the wedding, and a settlement, termed in Tagaloc vigaycaya, is often made by him on the bride. The young couple then present themselves to the priest, though not necessarily together, kiss his hand, and inform him of their intention to marry. The cleric appoints the day for the wedding and publishes the banns in the church. The religious ceremony takes place at the conclusion of the first mass, between 5 and 6 o'clock in the morning. When the eucharist has been administered to the wedding party, an acolyte places a kind of mantle on the shoulders of the couple. The officiating priest recites a formula, puts certain questions, receives the customary replies, and in five minutes the nuptial knot is tied. As they leave the church a bowl of coin is presented to the bridegroom, from which he takes a handful and passes it to the bride, who returns it to the bowl, thus symbolizing his endowment of her with all his worldly possessions. Conventionally stolid and impassive, the young couple are escorted to the home of the bride, where the day-long catapusan, as these family festivities are termed, are about to begin. If the parties are well-to-do, the vicar and headmen of the parish are invited, together with any Europeans who may happen to reside in the near neighborhood. A table is laid à la Russe with dishes of all kinds, sweets predominating, such potables as bottled beer, gin, chocolate, etc., together with cigars and betel-nut, being liberally supplied.

During the intervals of feasting, the company are entertained with native dances, such as the Balitao and Comitan. The former is performed by a couple who stand opposite to and dance round each other, keeping time to the slow plaintive air which accompanies their song. In poetic strain the swain bewails the rejection of his advances by his ladylove. She in her turn reproaches him for some imagined fault. Explanations follow, and finally all is harmony. The Comitan is a pas seul, performed by a girl who dexterously balances on her head a tumblerful of water while she executes a variety of steps accompanied by writhing movements of the body. The guests residing in the parish retire to their own homes for the afternoon siesta, returning again toward sunset to take part in the evening festivities. If Europeans are present, the bride is with difficulty induced to remain in company; but however great her bashfulness may be, there is not the slightest trace of it on her countenance, which still maintains an impassive and unconcerned expression. Little privacy is, however, to be found anywhere in the house of rejoicing, for a crowd of lower-class natives,

anxious to share in the good fare and amusements, fills every corner and obstructs every doorway and window.

As before mentioned, it is usual for a settlement to be made on the bride by the husband's parents. If they have no dowry to offer, and the match is not otherwise objected to, the matter is sometimes arranged, among the villagers, by the youth undertaking to serve the bride's parents as capitad for a given number of years, after the manner of Jacob and Laban. This custom is, however, open to grave abuse. For, after his period of service has expired, the maiden may, after all, be refused to her suitor by her avaricious parents, and a second capitad taken on in his place. The old Leyes de Indias vainly tried to combat the abuse of this ancestral custom, and one of these native laws permits a promised bride to be deposited in safe custody while her parents are called upon to show cause why the marriage should not take place.

Irregular unions are, however, extremely common, and for this, strange to say, the clergy are largely responsible. Though a regular tariff of marriage fees exist, the priests often set these aside, and demand a quite exorbitant fee calculated upon the supposed wealth of the parties. Tagals having a rooted aversion to being married elsewhere than in their own parish, this abuse of power is not easily evaded. The consequence is that, in village and town alike, many dispense altogether with the religious ceremony, and content themselves with the old communal or family sanction, the customary gifts being presented to the bride's father, and the usual festivities held. Young couples seldom set up house at once, but reside with the wife's or husband's parents so long as there is room; and when the parents are old and past work, they in their turn are received into the homes of their married children. When a couple set up housekeeping in a bahay of their own, one or more poor relations are sure to attach themselves to the new household in the capacity of permanent hangers-on; even Europeans, foolish enough to marry native women, immediately find themselves hopelessly saddled with at least one incubus of this kind, unless, indeed, they happen to be men of exceptionally firm character.

The Tagals, while exceedingly jealous of their wives, appear to attach little importance to their irregularities before marriage so long as they are constant after, and are consequently somewhat careless of the honor of their daughters. The now widespread custom of forming matrimonial unions without benefit of clergy naturally also facilitates irregular connections with Europeans. A present of money to a girl's parents suffices, from a native point of view, to constitute her the mujer—woman—wife of Señor So-and-So, who installs her, as mistress, in a hut in some native quarter. When the connection comes to an end, the girl has no difficulty in finding a more permanent mate among her own people, especially if, as often happens, she is in receipt of a small pension. Infant mortality is very great in the Philippines. It is computed that 25 per cent of the children born of native parents die within a month, and death in childbed is also of very frequent occurrence. Both circumstances are in all probability greatly due to the traditional practice of closing up every aperture of a house containing a lying-in woman to prevent the entrance of an evil spirit called Asuan, much dreaded on such occasions. An illustration of the extent to which a European, on marrying a native woman, must adapt himself to native ways was afforded in the case of an Englishman married to a half-breed, who allowed this ridiculous superstition to imperil the lives of his wife and child, to say nothing of the discomfort to which he was himself

subjected by its observance in a climate where, for Europeans at least, a thorough draft is indispensable for comfort. Another cause of this excessive infant mortality is that young children are very lightly clad, if clad at all, and a sudden fall of temperature often causes a chill on the stomach to which they succumb in a few hours.

Mixed marriages have always been encouraged by the government of the Philippines, special advantages being granted to military men who marry the daughters of the country. Three centuries of intermarriage between European men and native women, and also between the latter and the numerous Chinese immigrants, have consequently added to the original population a large proportion of half-breeds representing every degree of admixture. The Chinese mestizos alone are said to constitute one-sixth of the domesticated native population; and the Spanish mestizos, together with the creoles, or "sons of the country" (hijos del pais), as they term themselves, form an influential body, the majority of whom are established as traders in Manila and the provinces. Owing to their European descent, more or less distant, the Spanish half-breeds are endowed with quicker perceptions, greater business capacity, and wider intellectual faculties than the pure Tagals. Many of them are well educated, but few display much natural talent. A certain number of mestizos, both Spanish and Chinese, have amassed large fortunes as middlemen between the native growers and the European merchants.

Although in the Philippines no distinct line of demarcation is drawn between races and classes, the social position of these half-breeds and creoles is somewhat equivocal, though vastly superior to that of the Eurasians of British India. As a class they are continually struggling to obtain the position and consideration accorded to the Peninsular Spaniards, who refuse to give them their daughters in marriage, while their dusky-hued connections form a perpetual reminder of their native origin. Vainly endeavoring to disown kinship with the latter and assert an equality with the Castilas, they bear a grudge against these for possessing so unmistakably European a birthright. The moral result of this is that they are, generally speaking, morose in disposition, captious in temper, evasive and vacillating, dissatisfied with their lot, fond of litigation and political intrigue, and inclined to foster grievances against the Government. The better educated among them aspire to becoming reformers of their country's institutions; and, even previously to the late revolts, a certain number have been imprudent enough to give proof of the desire entertained by many to overthrow Spanish rule in the islands and establish instead a Philippine republic. But even in the exceedingly unlikely event of such a termination to the present rebellion, the new state of things could only be of very short duration. It is, I believe, an ascertained fact that the increase of energy introduced into the Philippine native by European blood lasts only to the second generation; and, left to himself, the tendency of the mestizo is ever to revert to the maternal type. The native is too indolent and the hold of civilization upon him too slight ever to make anything higher than municipal self-government possible in these islands.

The Philippines being, according to the Plain Narrative, "maintained by the Crown of Spain at the request of the church for propagating the Christian faith among the Indians," the influence of the church has naturally here been always paramount. An archbishop at Manila, with various bishops in the provinces, constitute the hierarchy, and the spiritual needs of the people are administered to by a vast body of

friars of all orders, and secular clergy, both European and native. The Jesuits also occupied numerous important posts in the archipelago previous to their expulsion from Spain in 1767, and are now again reestablished in many parts, and particularly in Mindanao. The great majority of cures are served by Spanish friars, who, after their arrival in the country, remain for some years in the monasteries in order to complete their studies, and in particular to learn the special dialect of the district for which they are designed. Spanish secular priests also occupy some of the canonries in Manila and the interior, and a certain number of native priests, educated in the seminaries of the orders, fill the less important curacies.

The progressive party in the islands are opposed to this predominance of the monastic orders who, as a body, prefer the interests of the Government to those of their parishioners, and demand their retirement to their monasteries, or to mission work, leaving the parish churches to be served by the secular Spanish and native clergy. The authorities are naturally opposed to such a change, as they have always found the cooperation of the friars essential in securing obedience to enactments affecting their flocks. No royal decree pronounced with sound of trumpet would have a fraction of the effect produced on the ignorant and fanatical population by the fantastic threats and promises pronounced with uplifted cross by their spiritual guide. This has been proved again and again. During the British occupation of Manila in 1762, "the priests and friars publicly exhorted rebellion, and preached it meritorious to take up arms and destroy us."[1] At the beginning of the campaign against the Mohammedan Sultan of Soulou, in 1876, when it was found necessary to increase the native army, recourse was had to the eloquence of the friars in order to obtain willing and enthusiastic recruits. And there can not be the slightest doubt that at the present moment a crusade is being strenuously preached against the invading "infidels," statements calculated to excite the fiercest and most fanatical hatred being unscrupulously made from the pulpit to the ignorant masses.

Roman Catholicism is undoubtedly the form of Christianity best calculated to impress native races. Their pagan idols reappear in the form of saints and martyrs, and gratify the instinctive want of anthropomorphic and visible objects of worship. The mind of the Philippine native is realistic to a degree, devoid of all conception of things abstract, and his ideas of religion are limited to its outward symbols and the rites connected with them. The mass does not greatly appeal to his religious emotions. Petty officials were formerly bound, under pain of the lash, to attend; but the want of a clean shirt is quite sufficient reason for a private individual to absent himself. No pressure is, however, necessary to secure the attendance of the women, many of whom pass half their lives between adoration of the images, Mariolatry, and the confessional. The dwellings of the majority of the natives are but slight and perishable constructions of bamboo and the leaves of the nipa palm, yet room is found in them for an oratory, while the churches which tower in their midst are solid stone edifices with massive square or octagonal belfry towers, buttressed to withstand the frequent earthquake shocks to which these volcanic islands are subject. The interior is a mass of rich ornament, the image of the Madonna and the high altar being often of solid silver, masterpieces of native workmanship, for even the poorest Tagal village possesses its platero, or silversmith.

[1] A Plain Narrative.

The great religious event of the year for villagers and townsfolk alike is the feast day of the local patron saint—fiesta de nosotros, in native parlance. All day long the parish is en fête. The quaintly picturesque wooden houses and nipa huts, with their high-pitched, thickly thatched roofs, which line the roadway, embowered in feathery bamboo clumps, tall betel palms, and spreading plantains, are all decorated for the occasion. Festoons of Chinese lanterns surmount the garden fences and swing between the trees, while triumphal arches span the roadway at intervals. Toward evening the great square in front of the church is crowded with holiday makers of both sexes, Tagals, Chinamen, many of whom are nominally at least Christians, and half-castes. Most of the mestizas and many of the Tagal women are arrayed in full skirts of brightly checked, striped, or brocaded silk, and those among them who content themselves with cotton outvie their wealthier sisters in vividly contrasting red, blue, and yellow. Over this the Tagals wear a piece of dark-blue stuff, fastened apron-wise tightly around the hips and descending to the knee. The bell-shaped sleeves of their short loose jackets, made of piña ganze, and the kerchiefs of the same material worn on the shoulders, and out-of-doors on the head, have their borders decorated with elaborate lace like needlework. Their long black tresses, which when loose often reach to their ankles, are neatly coiled at the back of the head, where they are secured with gold-mounted pins and combs, often set with real diamonds, as are also the bracelets, earrings, and long watchchains which the Tagal élégante delights in wearing. The stockingless feet are protected from the dust by chinelas, colored slippers, consisting merely of a sole and accommodation for four toes, the small toe remaining outside.

The native dandies wear white duck trousers and a shirt, which latter may be more or less of the cut familiar to us when made of white calico, but the front is elaborately embroidered, tucked, or frilled, and the back is disposed in full kilts, unconfined by the trousers. Camisa fuera, "shirt outside," is the technical term for this native fashion, which greatly scandalized an elderly English lady on her arrival at Manila. "Emily, my dear, don't look!" she exclaimed in a horrified whisper to her daughter, when this costume first met her shocked gaze. "Don't look! The servant has forgotten to dress himself!" The camisa fuera, however, takes rather the form of a blouse, and consequently strikes a European less oddly when made of piña gauze, of the prettily striped jusi, or of the hempen abaca. With these the native pure and simple wears the salacot, a mushroom-shaped, sun-proof hat, sometimes inlaid round the brim with a pattern in silver. This headgear of his forefathers is discarded to a great extent by the townsman for a straw hat of European form, as he has discarded chinelas for patent-leather boots. The children, boys and girls, are made up into quaint little miniatures of their elders, though, as above mentioned, their costumes are ordinarily either of the simplest kind or conspicuous by their absence.

But the sun has now set, and after a few brief minutes of twilight the warm star-spangled night has drawn forth the whole population; private festivities are for the time being suspended, attention being centered on the procession now about to leave the church. Every lamp and lantern is aglow throughout the parish; the whole façade of the church and the Temple Bar-like structure of the gates look as if an immense swarm of the fireflies flitting among the tree tops had suddenly clustered over them; and forth from the sacred portals streams the great procession. First comes a group of children, dressed like

early Christian martyrs, or fathers of the church, wearing miters and false beards, and bearing wooden crosses, thus fulfilling vows made on their behalf by their parents. Then black-veiled, black-robed figures, with great garlands of feathery green leaves on their heads and tapers in their hands, representing Jews in turbans and gaberdines. Next is borne past, on a litter, the recumbent figure of Christ on a couch of crimson velvet, almost hidden by gold ornaments. Other images follow at intervals, bedizened with velvet, satin, and lace, and sparkling with jewels, diamonds, rubies, and emeralds; between them march military bands, with groups of clergy in full canonicals, and officials in robes of office. The last image that figures in the procession is that of Our Lady of the Seven Sorrows, borne aloft on a magnificent litter, and eclipsing with the blaze of her jewels and the gorgeousness of her apparel not only all the preceding saints and saintesses but also her Divine Son. The rear is brought up by a crowd of joyous natives, who follow in a double line, men and boys on one side, women and girls on the other.

After perambulating the parish for an hour or so the procession reenters the church with its tapers, images, and band for the final benediction, and the rest of the evening is devoted to festivity. The chief inhabitants keep open house, and all entertain their friends from neighboring parishes according to their means. In the houses of the wealthy mestizas, which are of palatial dimensions and furnished handsomely, balls and tertulias, or receptions, are going forward, most of the former being saya bailes, at which the native costume for both men and women is so strictly de rigueur that it is often assumed for the occasion by Spaniards and foreigners. For the public generally there are magnificent displays of fireworks and dramatic representations something after the manner of the miracle plays of the middle ages, from which the clown is never absent, the prompter being equally en evidence, and all the seats are free.

The patron saint of the city of Manila generally is St. Francis the Tearful—San Francisco de las Lagrimas. According to the legend, an image of this saint in the house of a native at Dilao, near the capital, was on one occasion, when the city was in danger, seen to weep so copiously "that many cloths were moistened," while with outspread hands it, for three hours' space, besought God's pity on Manila. As soon as this miracle was made publicly known, the saint was, with one accord, declared the protector of the city and his image removed to the Franciscan Church within the walls, where it has since remained. The anniversary of this saint is naturally a general holiday. Toward sunset thousands of vehicles issue from the streets of Binondo, Tondo, and the other suburbs, and cross the bridges to the wide boulevard which encircles three sides of the fortifications, terminating at the mouth of the river Pasig. Elegant victorias and landaus, drawn by a pair of stout ponies, are filled with mantilla-veiled Spanish beauties and bejewelled Mestizas; light carromattas and calesas are brilliant with the trailing sayas of their dusky Tagal occupants; every available wheeled vehicle, indeed, in the city has been requisitioned to swell the stream of traffic flowing seawards. Military bands discourse operatic music, and greetings are interchanged while the Manileñas inhale the refreshing sea breezes blowing in from the bay. Ocean steamers lie out in the anchorage, outlined in shadow on the smooth waters, while the setting sun, disappearing behind the grand mountain mass of Mariveles, throws its dark serrated summits into clear relief against the glowing western clouds. The eye, dazzled by this blaze of natural splendor, turns for relief to the moss-grown, mellow-toned walls of the

city—a city belonging in appearance to another age, with its moat, drawbridges, and old bronze cannon bristling on the ramparts from which now thunders forth the sunset gun. Every rein is tightened, every hat lifted in salutation to the Angelus, which simultaneously sounds from every convent and church in the city. The short succeeding twilight passes, the carriage lamps twinkle as far as the eye can reach, and the gay throng again wends its way homewards.

The history of the miraculous shrines in these islands would fill a volume. The most popular, however, is that of the Virgin of Antipolo—Nuestra Señora de Buen Viage y de la Paz—at which miracles are constantly reported to be wrought. Brought from Mexico in 1636, this Virgin was, in the Chinese rebellion thirteen years later, committed to the flames. When all around had been reduced to ashes, these infidels found the sacred image still intact and resplendent, her brazen body without a blemish. Again was she committed to the flames, and again found by the Spaniards, who had arrived in the meantime, unhurt, save for a wound in the face inflicted by the knife of a sacrilegious rebel. After helping to drive out the Dutch in 1650, the image was again taken back to Acapulco as protectress of the King's galleon. Having crossed the ocean six times, the Virgin was, in 1672, brought back to the Philippines, and finally, escorted by a joyous multitude, was deposited in her present resting place in the Church of Antipolo—"birds, beasts, flowers, hills, and waters greeting her as she journeyed." The annual festival of this Virgin, which is held in the month of May, is attended by thousands. The villagers, who number some 3,000, depend chiefly on these pilgrims for their subsistence, their land being too mountainous to be very productive. A large trade in rosaries, holy pictures, and sacred knickknacks generally is done by the priests, some $30,000 being annually spent there by visitors. Many make vows to climb the steep ascent to the church itself on their knees, in return for benefits vouchsafed. A very good-looking muchacha, who had been employed as nurse at the British consulate, enjoyed the reputation of having achieved this feat, in addition to that of being exceedingly inconstant in her affections.

Other famous shrines are those of Our Lady of Casaysay, on the coast of Balangas, also brought from Mexico; a cross at Banan, venerated since 1595; and the Holy Child of Cebu, said to have been found on the shore of this island by a Basque soldier, Juan de Camus. The latter image is of ebony, 15 inches only in height, laden with silver trinkets and other offerings. When this object is exposed to view on its festal day, the 20th of January, the honors of a field-marshal are paid to it, and pilgrims from the remotest districts and islands cross the seas to purify their souls at the shrine of the Santo Niño de Cebu.

I began this paper with recalling the former British occupation of the Philippines, and as it seems likely that they will soon be occupied by our American kinsmen, or possibly, by some arrangement with them, reoccupied by ourselves, I shall conclude by pointing out their exceedingly important geographical and political position. The eastern shores of the South China Sea are formed by the Philippines and Borneo, and are, therefore, one-half Spanish and one-half British; and the British Malay Peninsula and French Cochin China form the western shores, with Hongkong at the head of this narrow storm-tossed sea. Thus situated, I can not but agree with the politicians who think it would be impossible for Great Britain to allow these islands to come into the possession of any other great power than the United States or ourselves. Certainly the Spaniards have by their misgovernment hardly

less forfeited here than in Cuba all rightful claim to remain in possession after defeat in the war which that misgovernment has provoked. The trade of the Philippines has long been chiefly in the hands of British and American firms. Under either British or American Government these islands would undoubtedly have their immense material wealth developed as it has never yet been, or ever will be, under such an effete power as Spain. And, it may be added, that with the Philippines go the great islet, rather than island groups to the eastward, the Ladrones or Robber Islands, a penal settlement, and the Carolinas. May the near future bring better government to the rightly rebellious Philippine islanders.

A SKETCH OF THE ECONOMIC CONDITION OF THE PHILIPPINES.

By Max L. Tornow.

The general interest in the Philippines, which for a long time seems to have been all but forgotten by the rest of the world, was again thoroughly awakened by the recent cannonade off Cavite. And even with the final settlement of the Philippine question, it is scarcely to be expected that the islands can again fall into forgetfulness. A glance, therefore, at the economic condition of the country would appear not to be out of place, accompanied by a few more important statistics, for an exhaustive consideration of the subject would occupy far more space than the present pamphlet admits of.

1. Commencing with the produce of the soil, two important points strike us as speaking to the varied and fertile character of the land: The geographical position of the islands—embracing sixteen degrees of latitude—and the plentiful supply of water. On the other hand, in addition to smaller obstacles raised by the administration, particularly as regards large plantations, the want of labor militates seriously against industrial extension, so that of the arable land only a very small part is to day under cultivation. The result is that, notwithstanding the richness of the soil, we find that the total returns are nothing like what they should be.

Not only do all tropical fruits flourish, but also the plants of the temperate zones, such as wheat, barley, and potatoes. Experiments were made with wheat and barley some years ago, and met with every success; and there is to-day a German planter in Benguet cultivating potatoes. I am fully convinced that in certain parts the vine could be grown, and at all events those fruits which demand a mild climate. Attempts have been made with tea to a little extent, and the results have not been unfavorable; but to all extensive planting (and this is the only way in which it is remunerative) the want of railways, good roads, and laborers offers the greatest difficulty. Not less annoying is the attitued assumed by the Spanish officials and the monks, unless the planter is ready to dance at their command.

The principal agricultural products exported are sugar, hemp, and tobacco, and to some extent coffee, the cultivation of which, however, has of late greatly decreased. Indigo, sapanwood, and copra must not be left unmentioned, for they may certainly be expected to take a higher place in the Philippine trade in the future than to-day is the case. Rice and maize are only grown for home consumption, and even for this purpose the supply is not large enough. Rice is imported from Saigon and Bangkok and cocoa from Java, although the extremely fertile soil of the Philippines could produce all that is required at home and enough to admit of a large export trade as well.

Formerly, in 1850 to 1860, or even later, rice was exported from the islands, but the quantity gradually decreased until exportation ceased

altogether, and finally the grain began to be imported. The blame lies with the miserable administration of the country. The planters can no longer compete with Rangoon, Saigon, and Bangkok, where the authorities know how to meet the farmers when necessary, and where the ships are not exposed to endless chicanery, such as is practiced by the Manila customs-house officials. For this reason most foreign vessels are careful to steer clear of the latter port. Sugar is chiefly exported from the Visayas Islands, and the trade is almost exclusively over Iloilo, the largest place after Manila, situated on the island of Panay. Cebu, the third largest port of the archipelago, does now but a small and steadily declining trade in hemp.

The best tobacco grows in the north of Luzon, in the province of Isabella, and the south of Cagayan, the most northern province of that island, in the valley of the Rio Grande de Cagayan. The northern provinces of Luzon, from the gulf of Lingayen in the west to the Pacific, are separated from Manila by a range of high mountains, the Caraballo, over which there is, with the exception of a path and the telegraph, no road whatever, much less a railway. The tobacco, therefore, is sent on covered boats, so-called "barangaijanes," down the Rio Grande to Aparri, and there shipped by steamer to Manila. A flat-bottomed steamboat also runs from Ilagan, when the water allows it, otherwise she only goes as far as Tuguegarao. In this way the transport from the most southern tobacco center, Echague, which, as the crow flies, is only about 150 miles, often takes quite three weeks.

Tobacco has also been planted on the west coast of the northern part of Luzon, and also on the Visayas Islands. This, however, is of inferior quality and is mostly exported to Spain. In Manila it is not used, unless perhaps by the Chinese factories of inferior cigarettes. Regarding the tobacco monopoly, abolished in 1883, I shall have some remarks to make later.

An important and world-famed article is Manila hemp, or abaco, a product of the *Musa textilis*. It is remarkable that, although there are the most varied species of the *Musa* flourishing all over the Tropics and in warm climates generally, the *Musa textilis* appears to thrive to the best advantage only in the Philippines. Attempts to grow the plant in other places have been uniformly unsuccessful. Like its better-known relative, the edible banana (*Musa paradisiaca*), the stem of the plant is formed by the leaf-stalk, in the center of which again is the blossom-stem. The finest growth is obtained in the volcanic and rainy districts of the Philippines, especially in the Camarines Sur, Albay, Samar, Leyte, Marinduque, Cebu, and in some of the small neighboring islands, as well as on the South Negros and Mindanao.

The valuable hemp fiber is found in the petioles, from which it is taken before the plant has borne fruit, as otherwise the fibers lose in elasticity and luster. In two or three years the plant is generally so far matured that it can be cut down, the leaves removed, the green epidermis stripped from the stem, and the bast strips either torn off lengthwise or the petioles separated singly, and the inner membrane with the pulpy portion of the plant as well as possible removed. The bast strips thus obtained are then drawn under a knife, in order to scrape away any pulp that may have remained on them. The product after having been dried in the sun is then ready for shipment. This process, though simple, involves a great loss of fiber, which might be avoided by the use of more efficient stripping machines. It is difficult to accustom the native to anything novel; but when once progress has

gained a general footing headway will soon be made in particular paths also. Manila hemp has so far been equaled by none, much less excelled.

The principal article is fair current, with its higher and lower grades. Of less importance is quilot and the silk-like lupiz, which, besides their use in the manufacture of fine native fabrics, are also employed for superior toilet articles in Europe, especially in the ladies' hat trade. From the current sorts excellent ship's cables and miner's ropes are made, and in America, where great quantities are consumed, they are used to make grain-binders for harvesting. Hemp comes on the market in bales of 2 Spanish piculs (280 pounds, English). The price varied much, being subject often to great fluctuations, which naturally gave rise to speculation. About the middle of the present century the price varied between $4 and $5 (with high course of exchange), steadily rising; in the sixties we find it already at $7 to $9; in the eighties, $11 was the average. In 1890 it was artificially pushed up to $17—an immense crash being the natural result—and all this at a high or even higher course (3s. 3½d. to 3s. 11d. per $1).

The course now began to fall steadily until, after the outbreak of the war, it stood at 1s. 10½d. Of late the prices for fair current have been between $6 and $9 per picul, at a course of 2s.; and at the end of April the ton was sold in London at £19. During the blockade of Manila the price was pushed to nearly £40. At the end of the war it fell again to £28.10. The table opposite shows the fluctuation of the course and price of hemp from January 1, 1892, to April 21, 1898, when the war broke out.

In 1818, 261 piculs at $4 were exported. There is no record of the exportation of hemp until 1840. In this year the amount exported is stated to be 136,034 piculs (8,502 tons). Thirty years later, in 1870, the amount had risen to 488,560 piculs (30,535 tons). The export then increased still more considerably. The following figures show how it has stood during the past six years:

Year.	Piculs.	English tons.
1892	1,581,100	98,818
1893	1,282,942	80,184
1894	1,591,962	99,497
1895	1,664,590	104,038
1896	1,531,810	95,738
1897	1,689,754	*a* 105,610

a From Manila only.

The chief consumers are England and the United States. The relative consumption by the different countries in 1896 is seen from the following table:

Country.	Piculs.	English tons.
England	815,044	50,940
United States	615,554	38,473
China and Japan	49,494	3,093
Australia	35,892	2,118
Singapore, India	12,166	760
European Continent	5,660	354
Total	1,531,810	95,738

The difference between the large export to England and the small amount which goes to the Continent—the very last on the list—is striking. England, however, acts here only as middleman, selling extensively again to the Continent, which accordingly buys at second, or, rather, third, hand.

Various species of the cocoanut palm are found dispersed throughout the whole archipelago, though the exportation has only been considerable during the last few years. Under a more satisfactory state of affairs in the interior of the country, the export trade in copra promises to increase still further, in spite of the large consumption of the nuts by the natives themselves. The meat of the cocoanut forms a staple article of food, both raw and prepared artificially.

The archipelago is very rich in timber, notwithstanding that the exploitation for building purposes has been going on for over three hundred years, and exportation formerly, especially, was very large; nor have new plantations ever been thought of. Sapan wood for dyeing purposes is also a product of the islands, and there is a regular, though small, export done in it.

That the Philippines are amongst the most fertile colonies on the face of the earth is well known, and has formerly been frequently mentioned; it is less generally known that they are also amongst the most neglected colonies in existence. According to the Spanish authorities themselves, only one-tenth of the available arable land is under cultivation; as a matter of fact, the amount is probably much less. What might not be made of this beautiful country, were this mismanagement but once and for all to cease!

Cattle breeding has been carried on by some mestizos for many years, evidently with success, or the business would have died out. Of late it has been found more profitable to import the extremely cheap Queensland cattle; but the fact that cattle thrive nearly everywhere is a proof that cattle breeding on an extensive scale is possible. A small number of sheep are imported from China, for consumption by foreigners: it is by no means improbable, however, that in some provinces, at any rate, they would thrive well. There are but few goats; of swine and poultry, on the other hand, there is a surplus, the flesh of the former, especially, forming a favorite dish of the natives.

In addition to the small but very tough horses, resembling those of Java, that most useful of domestic animals, the carabao, or black (gray) buffalo, thrives to the best advantage. The white species is also occasionally to be found. The buffalo is employed for many purposes—for working the pumps on plantations, for sugar presses, etc., and is also used as a beast of draft. In the mountains the buffalo is met with in the wild state; it is, however, undoubtedly only the domestic species which has been neglected. Nevertheless, in the course of years, the degeneration has been so great that there now exists a clear distinction between the wild and the domestic buffalo. The wild animal has a more compact head and short horns, while the domestic animal has a long head with long, broad horns. Neither horses nor buffaloes are indigenous to the Philippines; they have been imported by the Spaniards.

2. Nor is it alone the arable land which forms the resource of the country, little regarded as this source of wealth has unfortunately hitherto been. There is another, and doubtless not less valuable, property, represented by the mineral riches now silently slumbering beneath the soil.

The islands yield pit coal, iron, gold, silver, copper, etc., for the most part of good quality, and recently petroleum has been struck. Careful

and expert explorations have several times been undertaken by engineers, yet never to the extent necessary to start lucrative mining, nor yet over a sufficiently extensive area. The former "inspector general de montes," Don Jose Centeno, and Don Antonio Hernandez are deserving of special mention for their exploration in this direction.

Coal is probably spread over the whole archipelago. It was first discovered in 1827 in the island of Cebu; then in Negros, Mindanao; on the island of Luzon, in Camarines and Albay, and in many other islands. The wealth thus appears almost inexaustible. The coal in Cebu is of the best quality, numerous experiments having shown it to be equal to Newcastle coal. Hernandez found four seams running parallel from north to south at a small depth, and 95 miles long. In 1874 four further seams were found where Don Isaac Conui worked the Caridad and Esperanza collieries in a small way. In Albay, 1 mile southeast of the small harbor of Sugod, is one of the most extensive of the many seams which have been found in Albay. It is 5 or 6 yards deep, and runs for a long distance. From this mine, from different places over a distance of a mile or more, 130 tons of coal were dug and practically tried on some steamers.

According to the reports of the man-of-war *Berenguela* and the steamships *Butuan* and *Corregidor*, which experimented with the coal, the latter resembles that of Australia, with the advantage of being less bituminous. This is an agreement with the scientific analyses and experiments of the coal made in Madrid. Small workings were begun, but exploitation corresponding to the worth could not be looked for, as with the fickle Government and administrative mismanagement, capitalists feared to finance such undertakings, especially in the way of foreigners, the Government put every possible hindrance, so that a profitable return seemed questionable, and the capital invested in danger. The workings were consequently very limited, and up till this day Australia and Japan export coal to Manila, a state of things which, it may be hoped, will soon be changed.

Iron, also, has been found in many of the islands. The best is that in Luzon, in the provinces of Morong, Laguna, Bulacan, Nueva Ecija, Pampamga, and Camarines, which, according to Centeno compares most favorably in quality with that of Sweden. The ore contains from 75 to 80 per cent pure iron, and is found in the midst of immense forests, so that there is thus a permanent supply of fuel, if properly used. In addition to this, there is often water power in the neighborhood which could be profitably utilized. In the above-mentioned provinces, Centeno discovered large masses of almost pure magnetic iron oxide (hierro oxidulado magnetico, casi puro). After what has been said above, it is not surprising that here, also, there has been no thorough exploitation. In the province of Bulacan the natives manufacture a very primitive iron plowshare and pots for cooking (carahays); but even here there has been a gradual decline since the commencement of this century.

Copper exists in the provinces of Tayabas, Camarines Sur, and Antique and on Masbate; the best quality, however, in the district of Lepanto (Luzon) near Mancayan, Suyuc, Bumuan, and Agbao. Here mines were worked by the Compañia Cantabro-Filipina, but abandoned after about ten years, in spite of the wealth of mineral, on account of the scarcity of labor. The first specimen of black copper was obtained in 1864. In 1867 the output was 2,464 quintales (2,231 cwt. 83 lbs.) of fine copper; in 1870, 4,020 quintales (3,641 cwt. 8 lbs). The want of workmen then caused the yield to decline, until in 1875 the mines were closed altogether.

It is probable that gold occurs in every part of the archipelago. In a small way it has been extracted by the natives for many years in certain places, particularly in Luzon. It is found instratified, and in creeks, from which the natives prefer to wash it. The best known sources are in Camarines Norte, the mountains of Mambulao, Paracale, and Labo, and the northern spurs of the Carabello Mountains. Alluvial gold is said to exist largely in Nueva Ecija, near the village of Capan; in Tayabas the metal is found in the mountains in the neighborhood of the village of Antimonon. In Mindanao, where gold has likewise been discovered, it is believed to be present in particularly profitable quantity. Mindoro, Panay, as well as some other small islands, are also places where the precious metal has been found.

It now remains to inquire into the question as to whether it would pay to work gold mines at all. For as yet, at all events, no positive proof has been furnished of gold mines being profitable, although during the last few years the subject has been discussed. In 1893 the Mambulao Gold Mining Syndicate was formed in London, engineers sent out, and workings actually commenced in Mambulao. Difficulties, however, arose, the principal no doubt being that a large part of the shares were not allotted, and the working capital therefore too small. In general, the participators speculated on the advantageous sale of a part of their concession and the starting of a limited liability company. something of a gold fever broke out in Manila, and on all sides concessions were acquired by Englishmen, some Germans, and Swiss. Not one of these concessions, however, seemed the result of a sound bona fide project; the object in view was always the promotion of companies and disposal of the concession at a good profit, leaving all the risk to the shareholders. It is not impossible that this would actually, in some cases, have taken place, and a speculation in shares followed similar to that on a former occasion in Singapore and Hongkong, to the detriment of general trade. The rebellion of 1896 fortunately put an end to speculation; European capital for such purposes was not to be found during the disturbances, and methodical working in some provinces equally impossible, quite apart from the other difficulties mentioned above.

Centeno further states that mercury was formerly found in various places. At the end of the last century a bottle was sent to Manila from Mindanao, and a second from Capiz. In 1848 mercury was discovered in Casiguron, in the province of Albay, but the general opinion was that the find was altogether insignificant. At all events, none of these discoveries appear to have been of any importance.

At the beginning of the seventies two beds of galena were discovered in Zebu, in the neighborhood of the village of Consolacion. Specimens were analyzed at the mint at Manila, and showed, it is true, only 47 per cent of lead, but also 1 ounce gold and 2 ounces silver per hundredweight. Nevertheless, the beds were not of sufficient significance to assure profitable working even on a small scale, so the mines were again abandoned. The department of mines in Manila did certainly recommend further exploration in Zebu, but so far as I am aware earnest steps were never taken. In Mambulao and Paracale the beds of galena and red lead ore have been got ready for working, and are probably very rich. The workings, however, have always been abandoned again, presumably, chiefly, on account of these Spanish undertakings being insufficiently financed from the commencement, and because of the lack of the necessary circumspection.

There is naturally an abundance of sulphur in this volcanic archi-

pelago. That which occurs on the Bulusan in Albay, the Taal in Batangas, and the Apo in Mindanao being of fairly pure quality. Really extensive beds, worthy of exploitation, were found years ago in Leite, in the interior, not far from Dulag, and were worked on a small scale by the natives. In 1818 3,410 piculs, at $2.50, were exported, and Dr. Jagor states that the price paid in Manila for this sulphur in the fifties was from $1.50 to $4.50. For the last twenty years, however, the sulphur industry has been wholly dead.

Alabaster is found in Camarines Sur, and there is a beautiful marble at Bohol and Guimaras, near Iloilo. Granite of excellent quality is quarried at the other side of the Bay of Mariveles, opposite to Manila.

Rock oil was found some years ago in Cebu and Paragua and promises to be of importance. I have neither seen samples nor come across any official report in the matter, but I have received direct information from various trustworthy Indians and Mestizos.

3. With the exception of the cigar manufacturing, which until January 1, 1883, was monopolized by the Government, the islands are not of industrial importance. Manila possesses two large sugar refineries, some distilleries, and rope works. Lately rice mills and a flour mill have been set up in Luzon for the purposes of home consumption. The hats made by the natives of strips of reeds in Baliuag also play an important part in the export trade, being shipped largely to America and Paris. The cigar cases (petacas), likewise manufactured in Baliuag, are of less importance. Though of no great significance for the trade, the ilang-ilang essence should be mentioned, the Philippines being the only place where it is produced. The essence is made from the green blossom of the ilang-ilang tree, one of the Anonaceæ ("Anona adoratisima," according to Blanco; "Cananga adorata," according to Hook), and finds its way principally to Paris. It forms the basis of all finer quality perfumes, and has, indeed, become an almost indispensable article in the perfumery branch. The distillation of the essence, and the business in general connected with it, is carried on exclusively by Germans.

Coach building is of great importance in Manila. The home demand is enormous, as every inhabitant of any standing has his carriage, and the wealthier mestizos excel in the luxury of their vehicles.

That soap and other such articles of popular use are manufactured is scarcely necessary to state. There are also three lithographic establishments, owned by Germans.

Besides the Baliuag industry, above referred to, the natives manufacture excellent homespun fabrics of cotton, hemp, silk, and piñā (the fibers of the pineapple leaf); piñā-cloth embroidery is also a domestic industry. These articles do not rank at all in the export trade of to-day, but they may certainly be expected to do so before long; the more so if the industry continues to advance as it has done during the past year or so, not only as regards the fabrics themselves, but also the designs and colors. Some coarse hemp textiles have already been exported within the last few years; the finer hemp and hemp and silk fabrics, though much prized by ladies for dressmaking, have not yet entered into the trade, not having so far found favor with the Parisian costumers. A most interesting exposition of the produce of the Philippines was afforded by the exhibition (Exposision Regional de Filipinas), which was held at Government cost at Manila in 1895.

It is certain that the Philippines, whose position is already assured by the mineral wealth of the country, will also play a part in the industry in the future equal to, if not surpassing, that of Japan.

4. There seems to me to be no doubt that even before the arrival of the Spaniards these islands had relations with the Malay Archipelago and China, and to a certain extent carried on barter, particularly with the latter country. Regular trade, however, first began to develop in 1572, when Legaspi established himself in Manila. The inhabitants of Cagayan related to Don Juan de Salcedo in 1572 that their cotton fabrics were fetched every year by Chinese and Japanese vessels.

Manila is without doubt the most advantageously situated port and trading place in the East, and forms the center of the trade between China, Japan, the Dutch archipelago, and Australia. The position of the Philippines is likewise extremely favorable for the west coast of America, and Manila should be the natural mart of eastern Asia. That it does not already occupy this position is owing to the bad system of administration on the part of the government. Had it been otherwise, I am exceedingly doubtful whether Hongkong could ever have reached its present state of importance in the face of Manila.

During the northeast monsoon most ships going through the Straits to China run right across to Luzon, to get protection against the strong contrary winds. It would therefore be quite in their course to touch at Manila, but they avoid the port for the reasons stated above—the chicanery of the customs officials. For the same reason the regular steamers between Hongkong and Australia steam right past the Bay of Manila without running in. Passengers from Manila to Australia have, therefore, first to cross to Hongkong and then take passage from there, returning again directly past Manila and Zamboanga (so close to the latter that the people may almost be recognized on the shore) to the first touching place—Thursday Island, or Port Darwin.

After 1572 trade commenced also between Manila and New Spain, which for individual Spaniards in Manila proved very profitable. Between 1590 and 1595, however, the citizens of Manila petitioned several times to the King for liberty of trade, but always in vain; the restriction on commerce remained as before. In 1610 the Seville merchants begged that the trade between Manila and New Spain might be closed, as they wanted to do business direct, by the Cape, with Manila, without the intervention of the American colonies. This was, nevertheless, impossible, on account, principally, no doubt, of the fact that the Acapulco silk trade gave occupation to over 14,000 persons in Mexico.

Galleons were sent every year from Manila to Navidad, and from 1602 to Acapulco, containing merchandise to the value of $250,000, maximum admitted by the Government, and bringing back double the price. Later this maximum rose to $300,000, and in 1734 to $500,000. Finally the amount reached $600,000, and the home freight double the value. From Manila the galleons—called "nao"—took spices, cotton fabrics, silks, etc., and gold articles and other products of China, India, and the Philippines; 50,000 silk stockings are also especially mentioned. (Refer: Lord Anson's Journey Round the World, 1749, and the description of Spanish commerce by J. C. S., Dresden, 1763.) The home freight consisted chiefly of silver dollars; and there were also passengers, persons going to seek their fortune in the Philippines, and officials and soldiers sent out by the Madrid Government as substitutes.

The merchandise yielded twice its value in Manila, and as is recorded sometimes even four times, which in certain cases may no doubt have been the case. The profit, however, did not all go into one pocket, but was divided among a number. The Government issued warrants (boletins) remitting the shipping of cargo to the monasteries, pensioned

officials, and other privileged persons, who then sold them to merchants; in this manner the profits were distributed. The result was that merchandise of very high value was shipped, and the nao often so packed with cargo that the guns had to be stowed away. On the home journey there was often over $3,000,000 value on board. As these ships were maintained at the expense of the Government, it is natural that a portion of the shipping fees was reserved for the royal exchequer.

Generally the well-laden nao sailed from Cavite in July, steering to northward to 30°, where, taking advantage of the western winds, they made for the shores of California, then coasting southward to Acapulco. The voyage was always most difficult and dangerous, and often very long, lasting sometimes six months or more. In later years the ships sailed more commonly through the Straits of San Bernardino, south of Luzon, though this did not shorten the voyage. Arrived at the Californian coast, they ran into San Lucas, where they took in provisions, and received information as to the movements of pirates in the waters, naturally a matter of great concern, considering the value of the cargo. The home voyage to Manila was easier and quicker, seldom occupying more than two months. The ship sailed southward from Acapulco till about 10° N., taking the passage to the Marian Islands, and then farther, through the Straits of San Bernardino, to Manila. As the time arrived when the nao could be expected, nightly fires were lighted on two high rocks, so that the vessel might find her way through the islands. (In old works the islands Guam and Rota are mentioned.)

The naos were vessels of 1,200 tons or even more, and were manned as war ships and armed with 50 or 60 cannon. Notwithstanding this, they sometimes, together with their costly cargo, fell a booty to privateers, pirates, and war ships of inimical powers. In June, 1743, Lord Anson, on board the *Centurion*, captured the *Nuestra Senora de Cabadonga*, a much larger galleon, captained by Don Jeronimo de Montero, off Cape Espiritu Santo, on the Samar coast.

The captain of the galleon, who bore the title "general," received on the Acapulco trade a percentage of about $40,000 for each voyage; first officers, likewise, were paid commissions.

Toward the end of the last century the profits began to decline, decreasing more and more; sometimes the ships even found the market in Acapulco perfectly flat, without any demand. This was because of American traders, and of English merchants supplying all the requirements direct from Europe; smuggling also played its part. Thus it happened that the ships were often unable to return for long periods of time. The last nao which left Manila, in 1811, did not return from Acapulco until 1815.

In 1785 the Real Compañía de Filipinas was started, having its seat in Cadiz, and with a capital of $7,000,000. This company more or less monopolized the whole trade, until on August 15, 1789, a decree was issued, permitting European vessels to import Asian produce, and to import only such Spanish, Philippine, and American produce as the compañía had imported. A second decree, dated October 15, 1803, deprived the compania of still further privileges, and declared the harbor of Manila open to all nations. Certain rights the compañía still retained, however. In 1814, absolute liberty of trade was allowed to the whole world. As the result of the introduction of the new Codigo de Comercio, July 15, 1833, the privileges of the compañía ceased altogether in 1834. A year later the exportation of manufactured tobacco and cigars was also permitted.

Until the close of the preceding century, 1792, foreigners were not allowed to settle in Manila (although Laperouse, 1787, mentions the

French merchant Sébir in this town). As soon as the permission was granted the first foreign houses were established, the number continually increasing so that to-day the external trade is almost exclusively in foreign hands; 1851 saw the establishment of the Banco Espanol Filipino; but by reason of bureaucratic formalities and strict limits imposed, transactions were much impeded. It is only in recent years that matters have bettered, rendering fair and eas banking business possible. Up to 1860 and still later, banking transactions were therefore done almost wholly through two large American houses. To day we find branches of the Chartered Bank of India, Australia, and China, and of the Hongkong and Shanghai Banking Corporation, doing the principal business.

The Consulado, established in 1772 and removed on January 1, 1834, and the Junta de Comercio, founded on January 1, 1835, have done practically nothing at all for trade and shipping. The export and import trade, as already remarked, lies almost exclusively in the hands of foreigners, principally English, Germans, and Swiss. The retail and intermediate trade is done by the Chinese. The Spanish, in addition to the Compania General de Tabacos de Filipinas—which, however, pays but a small dividend—and some inland traders, own a number of millinery shops for town costumes and cosmetic stores.

How greatly the trade done by foreigners surpasses that of the Spanish is seen from the tables below giving the external shipping trade and tolls. Since 1896 there has been no American house in Manila.

The traffic between Manila and the provinces is carried on mostly by means of thirty-five steamers and a large number of smaller sailing vessels. The sole railway runs from Manila to Dagupan, the port of Pangasinan, a rice-growing province, on the west coast of Luzon, on the Gulf of Lingayen. The only large line of ships touching at Manila is the Compania Transatlantica, from Barcelona to Manila, which, however, also has Liverpool as a shipping port, as the steamers would otherwise scarcely be able always to secure a full cargo. The chief profits of the line are no doubt earned from the enormous transport to and fro of officials and soldiers; in nearly every ship all berths are occupied. There is a brisk trade done with Hongkong, through four or five steamers under the British flag; for the largest part of the goods goes over Hongkong, being transshipped. A steamer runs to Singapore, meeting the French mail steamer, by which the principal European postal traffic is carried on.

Despite the fact that the foreign flag was everywhere at a disadvantage, and the Spanish, on the contrary, privileged, the former has always been the really dominating. Though formerly foreign vessels were obliged to run in in ballast, nevertheless they took outward freight. The privilege shown to the Spanish flag died not ease till 1872, and consisted at that time in a reduction of 25 per cent on the custom-house charges. This was gradually diminished, every year by 5 per cent and in the last year by 10 per cent at once.

The following table shows the state of the shipping trade in Manila in earlier years:

	1827.		1828.		1829.	
	Incoming.	Outgoing.	Incoming.	Outgoing.	Incoming.	Outgoing.
Foreign ships	96	98	99	89	146	145
Spanish ships	34	29	31	38	41	43
Total	130	127	130	127	187	188

In 1868, 112 foreign vessels with 74,054 tons, mostly in ballast, entered to take up cargo, and 93 Spanish vessels entered and sailed with cargo. To show a comparison of the trade during the past two years, I have compiled the following table:

	Incoming.		Outgoing.	
	Ships.	Tonnage.	Ships.	Tonnage.
1896.				
Foreign	181	264,868	175	251,439
Spanish	47	92,541	49	95,802
Total	228	357,409	224	347,241
1897.				
Foreign	204	301,199	197	292,219
Spanish	48	84,326	50	88,649
Total	252	385,525	247	380,868

At the commencement of the century the imports were far greater than the exports; then the two became about equal, and finally the exported goods ranked first. In recent years the exports have always exceeded the import by some 30 per cent—a very promising sign of the productive capacity of the country.

The imports to Aragon, in 1818, according to the duties paid, amounted to—

Under foreign flag	$1,680,200.25
Under Spanish flag	616,071.85
Total	2,296,272.10

as against an exportation of—

Articles.	Quantity.	Average price.	Total.
Hemp ..... piculs..	261	$4.00	$1,044.00
Cordage ..... quintals..	555	5.00	2,775.00
Hemp rope ..... do ...	5	.....	625.00
Coffee ..... cavans..	84.5	6.00	507.00
Sugar ..... piculs..	14,405	7.00	100,835.00
Indigo ..... quintals..	3,200	60.00	192,000.00
Liquid indigo ..... do....	1,105	3.50	3,867.50
Sapan wood ..... piculs..	18,825	1.25	23,531.25
Shells ..... do....	236	8.00	1,888.00
Tortoise shell ..... do....	31	350.00	10,850.00
Sulphur ..... do....	3,410	2.50	8,525.00
Ebony ..... do....	2,610	1.75	4,567.50
Hulled rice ..... do....	1,532	1.50	2,298.00
Shark fins ..... do....	42	16.00	672.00
Bêche de mer ..... do....	2,266	24.00	54,384.00
Birds' nests ..... do....	5.68	130.00	738.40
White birds' nests ..... do....	94.24	3200.00	301,568.00
Dried crabs ..... do....	1,332	6.00	7,992.00
Pure cotton ..... do....	1,176	22.00	25,872.00
Glue ..... do....	310	2.50	775.00
Rattan ..... do....	1,192	4.50	5,364.00
Wax ..... do....	1,280	28.00	35,840.00
Gold ..... taels..	230	13.00	2,990.00
Timber ..... trunks..	1,391	1.25	1,738.75
Cowrie shells ..... cavans..	1,066	2.00	2,132.00
Salt ..... do....	1,000	.25	250.00
Cocoa ..... gantas..	105	1.50	157.50
Rum ..... gallons..	1,348	.50	647.00
Plowshares ..... pairs..	580	.50	290.00
Carpenters' axes	420	.50	210.00
Buffalo hides	3,853	.37½	1,257.37
Cowhides (tanned)	3,153	.75	2,364.75
Stag hides	684	.13	88.92
Mats	1,280	.30	384.00
Buri mats	731	1.00	731.00
Hats	748	.30	224.40
Various	.....	.....	6,433.95
Riding horses	12	50.00	600.00
Total	.....	.....	806,945.29

There was, therefore, nearly three times as much imported as exported. The list of articles exported, with their prices, is interesting. Of the leading articles of to-day sugar was the only one of importance, but even this came after white birds' nests and indigo. Comparing with this the table of Dr. F. J. F. Meyen, on board the Prussian merchant ship *Princess Louise*, 11 years later, we find a great increase in exports—in the case of sugar tenfold the amount, though with hemp, again, not at all.

He gives the exports as follows:

Articles.		1829.	1830.
Sugar	picul..	120,274	138,387
Indigo	do...	11,809	13,863
Sapan wood	do...	11,675	11,594
Hulled rice (114,793 cavan)	do...	104,357	*a* 179,532
Unhulled rice (30,830 cavan) paddy	do...	28,027	.....
Rum	gallons..	19,551	.....
Cigars	kilograms..	52,843	*b* 48,955

a 197,486 cavan. *b* 4,257 arobas.

The remaining less important articles are omitted.

Since foreigners have no longer been so harassed by Spanish privileges, trade has steadily increased, even if not to the extent that it should. The trade of the Philippines should be twenty times what it is to-day. At the end of the twenties, imports and exports were practically equal:

Year.	Imports.	Exports.
1827	$1,048,680	$1,093,690
1828	1,550,933	1,475,034

Up to the seventies both had been increased more than tenfold, and the exports considerably exceeded the imports; in round numbers:

Year.	Imports.	Exports.
1870	$14,000,000	$16,000,000
1875	13,000,000	19,000,000
1880	17,000,000	22,000,000

The only exception is the year 1872, when the exports stood at $16,500,000 and the imports at $22,000,000. In 1892 the exports were $33,000,000. the imports $25,000,000.

It is a difficult matter to give statistics of the imported goods, since the innumerable articles are not entered separately at the custom-house, but, for purposes of duty, are placed in certain classes. Some of the leading goods may be mentioned, however. From England, all Manchester articles play an important part, together with a number of less significant wares, such as hardware and leather goods. From Germany come better class textiles, tricots, hardware, paper, leather, steel and iron, machinery, etc. From Switzerland, St. Gallen laces, muslins, and silks. From France, Lyon, silks, machinery for cigarette making, and paper.

From Austria, principally only Vienna furniture and Bohemian glassware. From Belgium is sent glass and glassware, iron, paper, cement,

etc. From Russia and America, kerosene, and from the latter country also flour and tinned meats—as Spain exported formerly almost only preserved foods in tins—and wines. Within the last few years she has commenced to import into the Philippines other articles, to compete with the wares of other countries. The Spanish goods are in every way inferior to those of foreign manufacture, but on account of their being free from import duty the prices are considerably lower.

In the following table the exports during the last five years are given. The minor articles have been omitted:

X.—*Principal exports from the Philippines from January 1 to December 31, 1896.*

To—	Sugar.	Hemp.	Coffee.	Tobacco.	Cigars.	Sapan wood.	Copra.
	Piculs.	*Piculs.*	*Piculs.*	*Quintals.*	*Thousand.*	*Piculs.*	*Piculs.*
Great Britain	793,165	815,044	199	47,816	35,010	3,340	32,200
United States	16,000	615,554	.....	132	180	.....	.....
Europe	774,852	5,660	928	154,930	32,610	.....	548,812
Australia	.....	33,892	.....	62	14,850	.....	.....
China, Japan, India	1,379,377	61,660	307	16,076	112,540	50,323	3,895
Canada	97,920	.....	.....	.....	610	.....	.....
Divare B'kwater	526,874	74,370	.....	.....	.....	.....	.....
Total in 1896	3,588,188	1,531,810	1,434	219,016	195,800	53,663	585,907
Total in 1895	3,694,769	1,664,599	3,287	225,677	198,270	38,919	594,469
Total in 1894	3,109,108	1,591,962	9,008	194,500	140,075	75,115	510,633
Total in 1893	4,184,296	1,282,942	5,102	230,572	133,046	76,588	188,404
Total in 1892	3,954,060	1,581,100	21,801	254,063	133,404	52,452	292,536

Articles.	1896.	1895.	1894.
Sugar	$14,000,000	$12,239,000	$12,590,000
Hemp	11,160,000	13,317,000	12,750,000
Coffee	67,500	158,000	412,000
Tobacco	2,630,000	2,705,750	2,310,000
Cigars	1,999,000	1,786,200	1,500,000
Sapan wood	70,000	58,400	102,000
Copra	2,630,000	2,898,000	2,500,000
Various	224,000	69,800	115,000
Total	32,771,500	33,225,150	32,279,000

The exports from Manila alone, the most important place to be considered, were, during the past six years, as follows:

B.—*Exports from Manila in the years 1892–1897.*

Year.	Hemp.	Cordage.	Coffee.	Tobacco.	Cigars.
	Piculs.	*Piculs.*	*Piculs.*	*Quintals.*	*Thousand.*
1892	1,408,444	1,354	21,801	254,063[1]	133,395
1893	1,154,766	2,200	5,006	230,572[1]	130,320
1894	1,322,000	1,800	9,000	194,500[1]	138,000
1895	1,446,990	3,774	3,080	222,510[1]	198,270
1896	1,333,118	3,619	1,434	212,706[1]	195,800
1897	1,689,754	3,873	4,947	319,883[1]	183,735

Year.	Sugar.		Indigo.	Sapan-wood.	Copra.	Shells.
	Dry.	Wet.				
	Piculs.	*Piculs.*	*Quintals.*	*Piculs.*	*Piculs.*	*Piculs.*
1892	921,354	250,369	6,534	29,314	186,519	223
1893	1,359,737	521,980	971	53,767	168,122	254
1894	1,200,000	295,000	1,599	40,000	475,000	350
1895	1,440,000	285,159	26	27,210	226,626	1,367
1896	1,456,549	272,337	5,419	14,234	561,268	1,101
1897	839,994	82,062	4,468	16,631	749,207	1,180

[1] For the most part to Spain for the monopoly.

In the June (1898) number of the National Geographic Magazine, called "the Philippine number," are some articles about the islands. Although for the most part interesting, especially for anthropologists, they are, in economic matters, inaccurate. None of the statistics are to be depended upon, for even at the commencement, in mentioning the trade of 1896, there is an error of about twenty-eight million dollars. In 1896 the export alone was $32,771,500. The figures given by me are correct, as, indeed, statistics can only be correct. The trade is indeed small, compared to what it should be; but amounts, such as are given to the author of the magazine article, were reached twenty-five years ago.

To give the statistics of the imports even only approximately correct is impossible, wherefore I have refrained altogether from giving detailed statistics in this regard. The author of the article referred to tabulates the American goods, among which wheaten flour in particular must strike the eye of anyone really knowing the conditions of the trade. He gives the value of the imports as lowest in 1893, with $7,800, and the highest in 1896, with $18,290, which figures are much too low. The value of the flour imported from America must be at least five or ten times as much.

The terms in the produce market in Manila are always cash down. In business with the provinces the Manila house has frequently to make advances, which certainly means risk; but if one is cautious with whom one deals the business is safe enough here also. It is always the main thing in the case of transmarine places just springing up to know the state of affairs precisely, and to be in a position to form a sound judgment at a moment's notice. The business between the importers and the Chinese retail dealers is done either by means of acceptance (pagaré) at six months, or, as is more general of late, cash within four to six weeks, with 5 per cent discount. Unfortunately the four to six weeks are very often exceeded. Insolvencies frequently occur among the Chinese. The creditors usually prefer to come to an arrangement, for if once the matter comes before a Spanish court it is the invariable rule that the creditors get nothing at all.

Fines (multas), particularly in differences with the custom-house are imposed in a most annoying manner, on every possible occasion, since the officials receive a share of the fine imposed. A ship which, for instance, does not deliver precisely the number of bales in the manifest is fined for each bale more or less $100. In every bill of entry the weight must be stated beforehand, and if it is not correct a fine is inflicted. In this way there are a hundred kinds of chicanery practiced, all costing much unnecessary expenditure of money, the greater part of which goes into the pockets of the officials.

The tobacco monopoly, with all its heartless severity and imposts, was introduced in 1781 under the governor, Don José Vasco y Vargas, as the Government again found itself in a critical financial condition. The population guessed at what was coming and opposed the introduction, so that the law was only carried by force of arms. The law prescribed that every native might plant tobacco, but might only sell it to the Government. In the tobacco districts every native had to grow a certain number of plants and devote all his attention to them, without ever leaving them. The collecting of caterpillars was done by women and children, just as to-day.

This would, however, all have been well enough had the people been able to enjoy the fruits of their labor, but the worst has still to be said. The tobacco was sorted—"aforado," as it is technically called—and that

unfit for use burned so as to prevent fraud. The principal matter in sorting was the length—18 inches and over was primera class; 18 to 14 inches, secunda class; 14 to 10 inches, tercera class, and 10 to 7 inches, quarta class. Smaller but good leaves were sometimes classed as 5 and 6.

For valuing the tobacco the officials used a scale according to which the planter received some 20 to 30 per cent of the real value. But he was not paid in cash. He received a certificate, a kind of treasury bond. Had the people had security for the payment of these bonds at an early date, the latter would soon, no doubt, have come into currency as paper money. But, far from this being so, no one would have them, knowing that five or six years might pass before they were redeemed. The tobacco planters lived under more miserable conditions than the worst-kept slaves, and were glad if some noble philanthropist, with an eye to usury, would give them half the value of their certificates. And such disgraceful usury it hardly was, for who could say whether the purchaser was not risking his 50 per cent? Frequently the bonds were practically given away. In the cigar manufactories in Manila 30,000 work people were employed, and were always paid in cash, so that their lot was more envious than that of the planters. That under this system, in spite of the enormous army of officials, a profit of four or five million dollars was annually yielded can be easily understood.

The savior of the unfortunate tobacco planter was one of those Spaniards in whom there was still the blood of the hidalgo the intendent-general, Don José Jimeno Agius. In his report in 1871 he relentlessly exposed the condition of affairs under the monopoly and strongly advised its abolition, unless the Government wished to destroy tobacco planting altogether and bring about the absolute ruin of the planters, living, as it was, in the greatest misery. Furthermore, he showed that the necessary new buildings and plant in the factories would pretty well absorb all the profit of the ensuing year. This very competent and energetic man could not, however, carry his wishes into effect at the time. Not until ten years later, in conjunction with the colonial minister, Fernando de Leon y Castillo, was he able to bring about the abolition, and on July 1, 1882, the planters were freed from their chains.

On January 1, 1883, the free manufacture of tobacco was also allowed. Already at the commencement of July, 1881, the fact was known, and the tobacco report of my house, dated July 9, 1881, commenced: "We head our report with the joyful and most important news of the decreed abolishment of the tobacco and cigar monopoly." We entertained the fear, however, that the rate of duty would be raised, and such was actually the case. Tobacco and cigars paid an export duty, and the import duty was raised 50 per cent. At first, however, the treasury bonds had to be redeemed, and this was done by means of auctions, whereby $150,000 was redeemed monthly to those who offered their bonds at the lowest rate. The Government had even the impudence to declare that demands of over 80 per cent would not be regarded. The first bondholders were ready to take 45 and 55 per cent; but it was soon found that there was a number of holders who were prepared to take vigorous steps, and refused less than 80 per cent. This caused the Government to hasten the redemption, and at the close had cleared a balance of two and a half million dollars.

Since January 1, 1883, various cigar factories have been established, of which, however, only a few turn out a really first class article. The cigars manufactured by many Chinese factories and by the natives as a home industry are of very inferior quality.

A new tariff of duties was introduced in 1891 which professed to be based upon a duty of 20 per cent. In reality, however, nearly all articles yielded more, some even over 100 per cent of the value. Then there were still various additional fees to pay on imports, and the export fees were also several times changed. To-day the practice is as follows: To the importation tariff, which in the case of some articles is increased by 20 per cent, there are harbor dues amounting to 10 per cent added and 8 per cent of the value of the goods, which is fixed by law. Spanish goods pay only the harbor dues and the 8 per cent of the value, and thus get upon the market, to the disadvantage of other better and originally cheaper produce.

Of the produce of the country, the principal pay export duties as follows:

	Per 100 kilograms gross.
Hemp	$0.75
Indigo	.50
Liquid indigo	.05
Rice	2.00
Sugar	.10
Cocoanuts and copra	.10
Tobacco from Cagayan Isabella	3.00
Tobacco from Visayas Mindanao	2.00
Tobacco from other provinces	1.50
Manufactured tobacco	3.00

And all produce pays $1.50 per 1,000 kilograms harbor dues.

In 1880 the harbor dues, on both exports and imports, were raised, at first by 20 per cent of the import duty and 1 per cent of the export value, for the purpose of building a new harbor, and this, with some few alterations, remains so to this day. The harbor is a long way from being ready, nor will it ever be finished if the present system continues, even though of late the work has been a little expedited. At a normal rate of work, what has been done could have been finished in one or two years. With the amount received through the increased dues ten harbors could have been built, but probably the money no longer exists.

The duty returns were, in—

1828	$227,000
1829	229,115
1830	228,061

In the last few years they have stood much higher, this being principally caused by foreign houses. For the past three years the returns were:

	1895.	1896.	1897
From foreign houses	$2,818,900	$3,106,100	$3,322,500
From Spanish houses	361,400	425,900	903,000
Total	3,180,300	3,532,000	4,225,500

Thus the foreign houses paid, in 1895, 87 per cent; 1896, 88 per cent, and 1897, 73 per cent of the indirect duties.

During the recent years the Spanish figures have risen by reason of the increased export duties on tobacco, which the Compañía General shipped for the Spanish monopoly.

I now come to the question, What must be done in order to bring the production and trade of the colony into the condition in which they should be? The answer follows from what has already been stated.

Before all, the system of administration must be changed, and commerce and shipping, industry and mining, as also planting, given free play, quite independent of the nationality of the persons concerned. On the contrary, if the natives are not numerous enough to supply sufficient workmen, Chinese coolies should be brought over under government supervision in the same way as is done in Sumatra. The export duties should be wholly abolished and the import duties put on a suitable basis. The harbor works at Manila should be completed, and safe landing places also for larger steamers erected. And if not a free port, at all events a bonded warehouse is necessary.

I mention firstly and principally Manila, which will always remain the center and principal emporium. A beginning must be made by opening up Luzon, by laying down good roads and constructing bridges, of which to-day there is an absolute dearth. The waterways should be controlled, particularly those which can be easily made navigable. The construction of railways should be continued, in order to connect the interior provinces with Manila. The most important line would be one from Manila through Nueva Ecija, the Caraballo Mountains, the province Nueva Viscaya, into the valley of the Rio Grande de Cagayan. Then a branch of the line, already existing, from Manila to Dagupan, to the natural naval port Subig, which was recently decided upon, but has not yet been constructed. Communication with the Pacific coast, and numerous branch lines, will also gradually be required. Only a few points can be touched upon here.

A railway from Manila over Mariquina to Antipolo would be of great importance for Manila itself. It would pass through an extremely well-populated country which already supplies Manila with agricultural produce and articles for the native population, and finally, after about 20 miles, ascending with a pretty steep gradient, reach Antipolo.

Antipolo, a famous place of pilgrimage in the Philippines, lies on the west spurs of the Cordillera, in the province of Morong. It enjoys a cool, agreeable climate, and therefore would, without doubt, form a very suitable health resort for the inhabitants of Manila, and, indeed, perhaps a climatic health resort in general. For Europeans, working under great strain, such a place would be invaluable, particularly during the hot season, when the night temperature falls so little that refreshing sleep is often quite out of the question. Nor is it absolutely necessary that Antipolo itself be chosen; a still more suitable spot might perhaps be found in the neighborhood; the chief point is to set about the matter in a practical way and properly carry through the scheme.

Antipolo is frequently visited by foreigners. The route lies over what for the Philippines are tolerably good, but compared with those of English colonies miserably bad, roads to the Pasig. The river is then crossed, and a farther journey over bad, and sometimes worst possible roads brings us through Cainta, Taitai, in one afternoon to Antipolo. The effect of the journey is felt over the whole body for hours afterwards. I have had in April, whilst the heat in Manila was unbearable, to put on a summer overcoat in the evening in Antipolo.

For such undertakings as I have mentioned, and which can only be carried out by companies, it is absolutely necessary that concessions be granted with promptness and dispatch. Hitherto the custom has been to dally for years, until finally all interest in the matter was lost. Once a concession was actually granted for a railway to Antipolo, but the line was never constructed.

It would take us too far to deal with everything which would serve to rapidly bring the country into a prosperous condition, and lead to lucrative undertakings. What should be done is, in general, to be gathered from a consideration of the present unsatisfactory state of affairs. If once the first step were taken, others would follow, and not only in Luzon, but over the whole archipelago.

I must not neglect to give some particulars of Manila itself.

At the place where the outlet of the inland sea of Bay (Laguna de Bay, called after the place Bay on the south shore of the sea, not after "Bahia Bay," as Dr. Meyen* wrongly infers), the river Pasig, flows into the bay of Manila, lies on the left-hand bank the real fortified town Manila, therefore also called Intramuros. It is inhabited by monks, officials, soldiers, and some shopkeepers; foreigners do not reside there nor have they property in it. Running southward along the shores of the bay is the promenade Luneta, where concerts are held every evening and where there are two suburbs, Ermita and Malate, much frequented by foreigners and containing many fine villas. On the right bank of the Pasig is the wholly unfortified Binondo, where are the chief business and warehouses, factories, custom-house, and harbor office. Further north, on the shore of the bay, is Tondo, which is really a native suburb containing native huts; to the east are Meisig and Trozo. These are the places lying on the beach. In the direction up the river on the right-hand shore are the suburbs Sta Cruz, Quiapo, San Miguel, Tanduai, and Sampaloc.

The population to day is given at 300,000; but this is in any case not to be regarded as exact, as a proper census has never been taken. With the suburbs the number of inhabitants is probably higher.

In the right sense of the word Manila can not be said to be unhealthy. On the contrary, it is one of the more healthy of tropical towns, though malignant and intermittent fevers do occur, even if more seldom than elsewhere. Cholera, which formerly was a frequent guest in the form of epidemics, has been completely driven away by the excellent water supply. The water comes from Santolan, about 9 miles distant, and is collected in the reservoir at San Juan del Monte and thence conducted to Manila. There has been no outbreak of cholera since 1889. For the water supply the general governors, Carriedo and Moriones, are to be thanked. Of these, the first, in his will, left a sum of money to the town for the purpose, and the second, some years later, had the work carried out, when no one else thought of troubling about it.

Houses have to be erected according to certain rules laid down, in order to guard against the numerous earthquakes. They are for the most part two-storied dwellings, below of stone and above of wood, with galvanized iron roofing. If the roof is tiled the ceiling must be of planks strong enough to resist the fall of the roof. Since January 23, 1895, the town has been lighted by electricity, and in a number of houses the electric light has also been introduced. The installation has been carried out partly by an American company and continued by a German company. So far there is no electric tramway, nor is electricity as yet used industrially. This is principally due, no doubt, to the company "Electricista," which has not been able to make its electric power station yield a good dividend as yet.

There are horse tram lines in the city and a steam tram runs to Malabon, a large village situated to the north.

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* Reise des preussischen Seehandlungsschiffes "Princess Louise."

Besides the private vehicles, there are in the city a large number of hackney coaches. These are divided into three classes: The carruajes (landau with two horses), quiles (two-wheelers, closed, door behind, one horse), and carromatas (two-wheelers drawn by one horse). The latter are also used in the interior so far as there are any roads. The transport of goods is carried on by means of two-wheeled carts drawn each by a buffalo and holding some 1,000 kilograms.

Life for foreigners upon the Philippines is quite agreeable, and, particularly in Manila, there are comfortable residences; nor is there lack of company, excursions, and other sources of recreation. In other respects, also, creature comforts are by no means neglected, provided the requirements are not too high. If once the city and neighborhood were developed in the manner indicated, there would be little to be desired to make life there thoroughly agreeable. Manila would then soon surpass all other tropical towns as regards health and comfort.

What the future may bring the rich and beautiful Philippine Islands it is difficult to say. It is, at all events, my sincere hope that this insular domain may soon blossom forth into that degree of importance to which it is by nature entitled.

(Signed) MAX C. TORNOW.

VILLEN COLONIE GRUNEWALD, NEAR BERLIN (GERMANY), *August, 1898.*

PROTECTORATES, COLONIES, AND NON-SOVEREIGN STATES.

THE PROTECTED MALAY STATES.

Under this head are usually included (1) Pérak; (2) Sĕlángor; (3) Negri Sembilan, or Nine States, which in itself is a sort of federation, as the name implies, and (4) Pehang. On account of their proximity to the Straits Settlements, these native states and the colony had various commercial and political relations, even before 1874. But in that year Sir Andrew Clarke, with the approval of the secretary of state, took steps to suppress the disorder in Pérak which was menacing British interests, and succeeded in concluding the Pangkor treaty. As a result of this compact a British resident was stationed in Pérak, and later one in Sĕlángor. These residents were nominally advisory officials, but it soon became understood that when their advice was volunteered it was necessary for the native rulers to take it, especially if it related to a matter of collecting revenue or incurring expenditure. On the other hand the residents showed no disposition to impose their "advice" upon the native rulers except where the interests of order and justice seemed to require it. The first British resident in Pérak, Mr. J. W. Birch, was murdered by the Sultan in 1875. This event was followed instantly by the military occupation of the country and the banishment of the Sultan and his fellow-conspirators. From that time, says the Colonial Office List (1898), the record of the State has been one of "remarkable progress."

In 1886, a British agent, styled superintendent, was appointed for Negri Sembilan; in 1889 he also received the title of resident.

In 1887 the Raja of Pahang surrendered to the British Government the control of his foreign relations, and in the following year Pahang became a protected State on the same terms as Pérak and Sĕlángor and Negri Sembilan. The Raja, or Sultan, himself requested the appointment of a British resident.

In 1887 the sultan of the neighboring State of Johore placed his foreign relations in the hands of the British Government and agreed to receive a resident. Johore, however, did not join in with the four other States when, in 1895, they signed a treaty constituting their countries a federation to be known as the protected Malay States, to be administered under the advice of the British Government. Each State agreed to assist the other States with men and money in case of need; provision was made for a native militia for the common defense of the federation, and in return for the protection of Great Britain it was agreed that a certain number of these troops should be furnished for the defense of the Straits Settlements, on requisition by the governor thereof, in case of war between England and any foreign power. Under

this treaty, which is now the supreme law of the federation, the system of government is as follows:

Each of the three native States of Pérak, Selángor, and Pahang has its sultan, and Negri Sembilan, instead of one sultan, has a federation of chiefs. These native princes are nominally sovereign. But in each of the four States there is a British resident, appointed by the secretary of state, "whose duty it is to aid the native rulers by advice and generally carry out the executive functions." (Col. Off. List, 1898.) In each State there is a state council, consisting of the native prince and his advisers, together with the British resident and his staff of European assistants. This council is really the supreme authority.

The four residents are subordinate to an official appointed by the secretary of state, under the provisions of the treaty of 1895, and styled resident-general of the Malay States. He in turn is subordinate to the high commissioner for the Federated Malay States, who is always the governor of the Straits Settlements. The treaty also provides for a sort of federal council, to meet periodically in one of the States, to discuss the affairs of the federation. This council consists of the high commissioner (president), the resident-general, the four residents, the native princes, and their most important chiefs.

Besides the high commissioner and his private secretary and the resident-general and his private secretary there are five other officers of the federation—a judicial commissioner, a legal adviser, a commandant, a commissioner of lands and mines, and a secretary for Chinese affairs.

The European assistants of each resident consist of a secretary, an auditor, an engineer, a senior magistrate, a state surgeon, a superintendent of posts and telegraphs, an inspector of schools, and a junior or district magistrate for each administrative district.

Mr. Hay to Mr. Day.

No. 508.] AMERICAN EMBASSY,
London, August 21, 1898.

SIR: I have the honor to transmit herewith a copy of a letter I have received from Mr. Forbes, to whom it was written by Gen. Sir Andrew Clarke, who, as I have hitherto had occasion to mention to you, is one of the greatest living authorities in England on all subjects connected with the government of the islands in the Malay Archipelago. I may add that the letter was written with the expectation that it would be transmitted to you, and I send it in the hope that you may have time to glance at it before your departure for Paris.

I am, etc., JOHN HAY.

Copy of private letter received from Lieut. Gen. Sir Andrew Clarke, R. E., G. C. M. G., etc.

[Confidential.]

42 PORTLAND PLACE W., *August 15, 1898.*

DEAR MR. FORBES: As the action which I took in 1874 for the pacification of the native states in the Malay Peninsula suggests a precedent for dealing with a somewhat similar condition now existing in the

Philippines, I, at your request, send a note in further explanation of that action, as described in general terms by me in the paper I read last May at the Royal Institution of Great Britain.

Very full details of this action are given in the Blue Book presented to Parliament, but some are omitted or vaguely alluded to, one important omission being the measures I took, as soon as I had learned of their existence, to secure the cooperation and support of the people who were providing the means by which alone the then state of anarchy and confusion could be maintained.

Opening communication with these persons, I undertook to secure for them, on the cessation of hostilities and the establishment of peace and order, an ample refund of the advances they had made and a preemption in the share of the prosperity which would be sure to follow the restoration of tranquillity to the disturbed provinces.

Assure those who are now feeding the agitation in the Philippines that similar results will follow the adoption of similar means, and there will be no need of the thousands of troops which I see stated can alone put down Aguinaldo and the so-called rebellion.

Aguinaldo, and the other leaders associated with him, learning that the sources from whence they draw their supplies would be no longer available, would at once come to terms, and the United States representatives in the Western Pacific would have the same experience as I had in the Malay Peninsula.

As soon as this influence and cooperation had been secured, then, under the supreme authority and direct control of the U. S. A., the federation of the Philippines under their several chiefs and headmen would follow. This federation, as a protectorate of the U. S. A., would, under this designation, be administered under the advice and guidance of the United States officers, in accordance, as far as possible, with native manners and customs, and above all, with religion, Christian and Moslem. The laws hitherto enforced in the Philippines would remain operative for the time being, but a fiscal system similar to that of the Malay Protected States, and to that recently established at Santiago, with practically free ports, will be adopted.

The administration of a protectorate on the lines indicated, which in the application, as in the instances of the Malay States, have met with marked success, would give more elasticity and freedom in dealing with the very special circumstances now existing in the Philippines than direct annexation and the establishment of a Territory of the Republic of U. S. A.

There were in 1874, as now, strong convictions that to restore order naval and military operations on a large scale would prove imperative, and that even then beneficial results in dealing with the Malay race could not be by any means assured.

I had many warnings that nothing but failure and disaster could follow my proposed intervention into the affairs of the Malay Peninsula.

Similar predictions are now made in regard to the assertions of United States influence in the Philippines. I believe the task would be no more difficult, and perhaps easier, than that which I accomplished in the Malay Peninsula. In some respects it is a manifest advantage to have to deal with islands which lend themselves to political grouping.

No doubt the presence of moderate military force will be at first desirable at one or two important centers, but I attach more value to ample naval provisions, especially of gunboats able to move freely among the islands and to ascend the many rivers and inlets of the sea.

So to the fleet and its officers I would advise that the political and

civil administration of the Philippines should, at least in the first instance, be intrusted.

Possibly it would be well to give the admiral commanding the aid of an able and experienced lawyer, as judicial adviser, to help in the reviews and settlements of civil and criminal cases dealt with by the existing courts of justice.

I take it for granted that party patronage will not enter into the personnel of the staff selected for service in the protectorate, and I have reason to believe that among officers of the United States Navy, active and retired, can be found many men of wide experience, broad views, and generous sympathy, well fitted to administer the affairs of the protectorate. For a little while, the want of knowledge of the native languages will be found of some difficulty; this will necessitate great caution in the use of interpreters.

Subject only to revenue demands the ports should be made as free to trade as are the Malay States of the peninsula; indeed, in this as well as in their financial and magisterial system, their practices should, as far as applicable, be followed.

Though, from start to finish, all administrative and executive proceedings should be conducted by and under the authority of the protecting power, all public notices and documents should be in the name of the federated States.

I anticipate little or no difficulty if the same spirit and sympathy as has ever ruled the English authority since its intervention in the affairs of the peninsula is followed in the islands with their Moslem population, but the large native Catholic population may present problems not so easy of solution.

For the teachers and guides are of one race, while the disciples and flocks are of another.

Much will depend upon what are the present real relations existing between the priests of the Roman Catholic Church and their congregations. On this there is much conflicting opinion.

Whatever may be the situation, I am inclined to believe it would be both just and wise to treat the priests with full and generous consideration and secure their aid and cooperation.

The priest or pastor of the native Catholic might be encouraged rather than otherwise by the protecting power to remain with their flocks; but the "orders," giving them fair compensation for their endowments, should be advised to return to Spain.

Such a policy would secure the support of the Vatican.

This assumes, of course, that, without calling upon them to surrender their nationality, they will accept loyally the altered condition of affairs and devote themselves to reconcile their flocks to the new circumstances, submitting themselves as examples of obedience to the administration of the protectorate.

Of course, I assume there would be hesitation on the part of the United States authorities about deporting all, other than natives of the islands, who were known to oppose criminally the new order of things, and this should be applied to all priests who were known to use their influence and authority with their flocks in keeping alive agitation or disturbance.

Much has been said and written of the oppressive conduct of the priests, and that the present rebellion is largely, if not wholly, due to this.

This may be so, but I doubt if to any great extent. To the general lax and corrupt civil administration it must rather be attributed.

I do not anticipate any difficulty in dealing with the Chinese. They will be found at once on the side of a strong and just government.

I am afraid these notes are very crude and incomplete, but as mere suggestions they may be of use.

My view may, perhaps, be summed up in a single sentence. Enlist native sympathy by fairness and justice, and rule through native agents supervised by carefully selected American residents.

If this policy is fairly tried, I am convinced that in a few years the prosperity of the protected Philippine States will astonish the world.

Believe me, my dear Mr. Forbes, yours very faithfully,

ANDREW CLARKE.

True copy.

F. B. FORBES.

[Private.]

24 CHENISTON GARDENS, W.

MY DEAR MAHAN: As an earnest well-wisher of your country, I am following events very carefully just now. I gather that the President and many thoughtful Americans are somewhat alarmed at the idea of assuming responsibility for the future of the Philippines, and that this at the present moment is with you a great question. It is also a great question for us, and on the ultimate decision important issues depend. Now, may I give you my opinions, offered only with my best good wishes? Spanish rule in any form in the Philippines must end. On the whole, it has been worse in the East than in Cuba, because there was less publicity. If you take a waiting station and leave the islands to stew in their own juice, there will be anarchy first and a considerable annexation afterwards.

Other powers will also want to look in, and of the general confusion which may arise there is only one thing that can safely be predicted: *Spain will not benefit.* This at least is certain. I fully see how difficult the present situation is, and I quite know how the solution may seem almost hopeless. It is most natural that Americans should feel chary of accepting responsibilities over the destinies of 8,000,000 people of somewhat mixed nationalities—people who can fight.

Yet I venture to think that in our empire there is a close parallel to the conditions in the Philippines, and that we solved the problem, as it is certain, to my mind, that you can now solve it. If you will look up the past of the native states of the Malay Peninsula, you will find conditions closely approximating to those of the Philippines. Fighting was incessant; trade and development were at a standstill. There is no corner of the world in which the development has been so swift and so perfectly successful. These native states are now prosperous and contented. Their trade has increased by leaps and bounds. This is an advantage to us and to the rest of the world. Piracy, the joy of the Malay population, has disappeared. Civilization is making rapid way.

How has this almost miracle been accomplished? Not by troops, not by force in any form, but wholly by a policy which I suggest is now open to you. My namesake, Sir Andrew Clarke, inaugurated the policy which has led to the most astounding results. In the main it consisted only in admitting native rule, and placing by the side of each native ruler a strong and upright Englishman, who guides and restrains. If you can look into the facts, you will find that they are as I state.

There is a small Sikh police whose superior officers only are Englishmen. That is the only force applied, and in late years there has been absolutely uninterrupted and yearly increasing prosperity. As this is only a small corner of the earth, the facts are little known even here, and Americans can not know them.

Well, here, I am convinced, lies your solution, and in some respects you have the advantage, because the Philippines break up easily into geographical groups, as the Malay States did not. Aguinaldo is a present difficulty, is he not? I know nothing of him; but he is evidently capable. Make him ruler of a portion of Luzon, with a fixed salary, and put by his side an honorable and a strong man. Select other native rulers for other groups, and treat them in the same way. You will at once rally all native feeling to your side. Americans have told me that you can not lay your hands on the right men, having no trained colonial officials. I have told them this is an illusion. You can find in your Navy and Army the few men of the right stamp who are needed. Our "trained officials" are not by any means the greatest of our successes. A soldier initiated the present system in the Malay Peninsula. Two sailors proved his most capable subordinates.

Do turn this over in your mind and, if you can, get the President to look into our administration of the Malay States and its extraordinary success. Here is a protectorate in the best sense, and it does not cost us a farthing. Have your naval stations and try this political experiment, I suggest. The results will surprise you, and they will be beneficial to the world.

Yours, very sincerely,

G. S. CLARKE.

(Make any use you like of my letter.)

BRITISH INDIA.

The present form of government of the Indian Empire is established by the act 21 and 22 Victoria, cap. 106, called an act for the better government of India, sanctioned August 2, 1858. By this act all the territories heretofore under the government of the East India Company are vested in Her Majesty, and all its powers are exercised in her name; all territorial and other revenues and all tributes and other payments are likewise received in her name and disposed of for the purposes of the government of India alone.

The secretary of state for India is invested with all the powers formerly exercised by the company or by the board of control. By act 39 and 40 Victoria, cap. 10, proclaimed at Delhi before the princes and high dignitaries of India, January 1, 1877, the Queen of Great Britain and Ireland assumed the additional title of Empress of India.

The executive authority in India is vested in a governor-general, commonly, but not officially, styled viceroy, appointed by the Crown, and acting under the orders of the secretary of state for India. The governor general's council is invested with power to make laws for all persons, whether British or native, foreigners or others, within the Indian territories under the dominion of Her Majesty, and for all subjects of the Crown within the dominions of Indian princes and states in alliance with Her Majesty.

The government of the Indian Empire is intrusted to a secretary of state for India, assisted by a council of not less than ten members,

vacancies in which are now filled up by the secretary of state for India. But the major part of the council must be of persons who have served or have resided ten years in India and have not left India more than ten years previous to the date of their appointment; and no person not so qualified can be appointed unless nine of the continuing members be so qualified. The office is held for a term of ten years, but a member may be removed upon an address from both Houses of Parliament, and the secretary of state for India may, for special reasons, reappoint a member of the council for a further term of five years. No member can sit in Parliament.

The duties of the council, which has no initiative authority, are, under the direction of the secretary of state for India, to conduct the business transacted in the United Kingdom in relation to the government of India. Moreover, by the act of 1858, the expenditure of the revenues of India, both in India and elsewhere, is subject to the control of the secretary of state and council, and no grant or appropriation of any part of such revenues can be made without the concurrence of a majority of votes at a meeting of the council. In dealing, however, with questions affecting the relations of the government with foreign powers, in making peace and war, in prescribing the policy of the government toward native states, and generally in matters where secrecy is necessary, the secretary of state acts on his own authority. The secretary has to divide the council into committees, and to regulate the transaction of business. At least one meeting must be held every week, at which not less than five members shall be present.

The government of India is exercised by the council of the governor-general, consisting of five ordinary members and a public works member, whose post may be left vacant at the option of the Crown. The commander in chief may be, and in fact always is, appointed an extraordinary member. Governors and lieutenant-governors become extraordinary members when the council meets within their provinces. The ordinary members of the council preside over the departments of finance and commerce, home revenue, and agriculture, military administration, legislation, and public works. The viceroy usually keeps the foreign department in his own hands. The appointment of the ordinary members of the council of the governor-general and of the governors of Madras and Bombay is made by the Crown.

The members of the council, together with from 10 to 16 "additional members for making laws and regulations," formulate a legislative council; these additional members are nominated by the viceroy. In accordance with the new regulations under the Indian councils act (55 and 56 Victoria, cap. 14), four of the members so nominated are previously recommended by the nonofficial members of the four provincial legislative councils, and the fifth is recommended by the Calcutta Chamber of Commerce. The proceedings in the legislative council are public. The lieutenant-governors and chief commissioners of the other ten provinces are appointed by the governor-general, subject to the approbation of the secretary of state for India.

The governors of Madras and Bombay have each a legislative and executive council and a civil service of their own. The lieutenant-governors of Bengal and of the Northwest Provinces (with Oudh) have each a legislative council only; the other administrators of provinces have no councils and no legislative powers. Although the viceroy is supreme, the local governments of the various provinces enjoy a large measure of administrative independence. Each province is broken

into divisions under commissioners, and then divided into districts, which form the unit of administration. At the head of each district is an executive officer (collector or magistrate or deputy commissioner), who has entire control of the district and who is responsible to the governor of the province. Subordinate to the magistrate, in most districts, there are a joint magistrate, an assistant magistrate, and one or more deputy collectors and other officials. In some cases the magistrate collector is also judge, while in others the two functions are separate. There are about 246 such districts in British India.

India is administratively divided into British territory and native or feudatory States; the former is under the direct control, in all respects, of British officials. The control that the supreme Government exercises over the native States varies in degree; but they are all governed by the native princes, ministers, or councils, with the help and under the advice of the resident or agent in political charge either of a single State or a group of States. The chiefs have no right to make war or peace, or to send ambassadors to each other or to external States; they are not permitted to maintain a military force above a certain specified limit; no European is allowed to reside at any of their courts without special sanction; and the supreme Government can exercise the right of dethronement in case of misgovernment. Within these limits the more important chiefs possess sovereign authority within their own territories; some of them are required to pay an annual tribute; with others this is nominal, or not demanded.

LOCAL GOVERNMENT.

There were, in March, 1895, 752 municipal towns, with a population of 15,500,000. The municipal bodies have the care of the roads, water supply, drains, markets, and sanitation; they impose taxes, enact by-laws, make improvements, and spend money, but the sanction of the provincial government is necessary in each case before new taxes can be levied or new by-laws can be brought into force. By the local self-government acts of 1882–1884, the elective principle has been extended in a large or small measure all over India. In all larger towns and in many of the smaller towns, a majority of members of committees are elected by the rate payers; everywhere the majority of town committees consists of natives, and in many committees all the members are natives. For rural tracts, except in Burma, there are district and local boards which are in charge of roads, district schools, and hospitals.

AREA AND POPULATION.

According to the census taken February 26, 1891, the total area of all the British provinces was 964,993 square miles. This is the sum of the areas of 250 districts. The total population was 221,172,952, an increase of 22,312,346 over that indicated by the census of 1881. The average population per square mile was 229.

In the census results the total population of India is divided into 118 groups on the basis of language. But even the different native languages do not denote separate ethnical groups, many of them being only dialects, and nearly all of them capable of classification into a few groups. There were, however, 334 males and 29 females who spoke an unrecognizable language. The following table shows the chief lin-

guistic groups with a population (in millions and two decimals) assigned thereto:

Aryo-Indic	195.46
Dravidian	52.96
Kolarian	2.96
Gypsy	.40
Khasi	.17
Tibeto-Burman	7.29
Mon-Annam	.23
Shan	.18
Sinitic	.71
Aryo Iranic	1.33
Semitic	.05
Aryo-European	.25

The following table gives all the languages or dialects which are more prevalent than English, with the population, in millions and two decimals, of those who speak them as parent tongues:

Hindi	85.68
Bengali	41.34
Telugu	19.89
Mahráthi	18.89
Punjabi	17.72
Tamil	15.23
Gujaráti	10.62
Kánarese	9.75
Uriyá	9.01
Burmese	5.93
Malayálum	5.43
Urdu	3.67
Sindhí	2.59
Santálí	1.71
W. Pahári	1.52
Assamese	1.43
Gondi	1.38
Central Pahári	1.15
Márwádi	1.15
Pushtú	1.08
Karen	.67
Kól	.65
Tulu	.49
Kachhi	.44
Gypsy	.40
Oraon	.37
Kond	.32

The English language is next in order with a population of 238,499.

The British-born population of India amounted, according to the census of 1871, to 64,061 persons, in 1881 to 89,798, and in 1891 to 100,551. In 1891 the total number of persons not born in India, including the French and Portuguese possessions, was 661,637. Of these 478,656 returned as their birthplace countries contiguous to India; 60,519 countries in Asia remote from India, including China; 100,551 the United Kingdom; 10,095 other European, American, and Australasian countries, while 11,816 were born in Africa, etc., or at sea.

RELIGION.

The most prevalent religion in India is that of the Hindoos, their number being nearly three fourths of the total population. Together with the Mohammedans, who number 57,321,164, they comprise over 92 per cent of the whole community. The Buddhists are mostly in

Burmah, as will be seen from the following summary, which also shows that the number of Christians is a little over 2,250,000:

Hindoos	207,731,727
Sikhs	1,907,833
Jains	1,416,638
Buddhists	7,131,361
Parsees	89,904
Mohammedans	57,321,164
Christians	2,284,380
Jews	17,194
Animists	9,280,467
Others	42,763

Of the Christians enumerated above (2,284,380) the following are the chief subdivisions, as given in the official returns:

Roman Catholics	1,315,263
Church of England	295,016
Presbyterians	40,407
Dissenters	296,938
Other Protestants	63,976
Syrians, Armenians, and Greeks	201,684

INSTRUCTION.

In 1891 there were 2,997,558 males and 197,662 females under instruction. There were 11,554,035 males and 543,495 females not under instruction, but able to read and write, and there were 118,819,408 males and 127,726,768 females not under instruction and unable to read and write. In 1894–95 the total expenditure on public instruction was Rx. 3,327,448 against Rx. 67,100 in 1865 and Rx. 39,400 in 1858. Of the sum spent in 1894–95, Rx. 571,008 came from local rates and cesses, Rx. 146,237 from municipal funds, Rx. 717,260 from subscriptions, etc., Rx. 981,870 from fees, and Rx. 910,972 from provincial revenues.

At the head of the national system of education in India there are five universities—Calcutta, Madras, Bombay, Allahabad, and the Punjab—which, though merely examining bodies, have numerous affiliated colleges, in which a prescribed higher education is given than at the schools. There are normal schools in every province for training teachers, and a staff of inspecting officers visits all schools on the departmental lists. Medical colleges, engineering, and other technical schools have also increased, and there are a few art schools. In 1895 2,293 students matriculated at the University of Calcutta, 918 at Madras, 934 at Bombay, 779 at Punjab, and 632 at Allahabad.

In 1894 there were 457 vernacular newspapers published regularly in 16 different languages. Only one daily vernacular newspaper circulates as many as 1,500 copies; only one weekly as many as 20,000. During the year 7,505 books and magazines, including many translations and new editions, appeared, about nine-tenths being in native languages.

JUSTICE AND CRIME.

The presidencies of Madras and Bombay and the lieutenant-governorships of Bengal and the northwest provinces have each a high court supreme both in civil and criminal business, but with an ultimate appeal to the judicial committee of the privy council in England. Of the minor provinces, the Punjab has a chief court with five judges; the central provinces, Oudh and Sind, have each one judicial commissioner. Burma has a judicial commissioner and a recorder. For Assam the

high court at Calcutta is the highest judicial authority, excepting in the three hill districts, where the chief commissioner of Assam is judge without appeal in civil and criminal cases. In each district the collector magistrate is judge, both of first instance and appeal.

Appellate and original jurisdiction is exercised in the superior courts by about 450 judges. During 1890 there were 1,720 civil judges under the superior courts, nearly all of which civil judges were natives of India. In Bengal, Madras, and Bombay the proportion of natives sitting in appellate courts is considerable.

FINANCE.

The total revenue of India for 1896–97 (budget estimate) was, in tens of rupees, 97,620,700. It was derived as follows:

	Rx.
From land revenue	26,093,300
Opium	6,895,300
Salt	8,700,000
Stamps	4,732,700
Excise	5,744,700
Provincial rates	3,669,800
Customs	4,481,900
Assessed taxes	1,843,200
Forests	1,732,300
Registration	428,800
Tribute	892,200
Interest	848,300
Post-office, telegraph, and mint	2,914,300
Civil departments	1,657,800
Miscellaneous	975,900
Railways	21,583,200
Irrigation	2,883,300
Buildings and roads	661,600
Military departments	879,100

The most important source of public income is the land. The land revenue is levied according to an assessment on the estates or holdings. In the greater part of Bengal, about one-fourth of Madras, and some districts of the northwest provinces the assessment was fixed permanently one hundred years ago, while it was fixed periodically at intervals of from twelve to thirty years over the rest of India. In the permanently settled tracts land revenue falls at a rate of about two-thirds of a rupee per acre of cultivated land, and represents on an average about one-fifth of a rental, or about one twenty-fourth of the gross value of the produce. In the temporarily settled tracts the land revenue averages about one and one-half rupees per acre of cultivated land, representing something less than one-half of the rental, and about one-tenth or one twelfth of the gross value of the produce.

The total expenditure in 1896–97 (Budget estimate) was, in tens of rupees (Rx.), 97,157,600. It was incurred as follows:

	Rx.
Interest	3,676,700
Refunds, compensations, etc	1,835,000
Charges of collection	9,321,900
Post-office, telegraph, and mint	2,733,500
Civil salaries, etc	15,399,500
Miscellaneous civil charges	6,030,300
Famine relief and insurance	598,500
Railway construction	14,500
Railway revenue account	23,857,500
Irrigation	3,203,600
Buildings and roads	6,140,600
Army	25,174,900
Defense works	57,500

It will be seen that far the largest branch of expenditure is that for the army. In the year before the great mutiny the expense of the army was 13,000,000 Rx., and afterwards it rose to 25,000,000 Rx. The regular army consists of 74,036 Europeans and 145,565 natives.

Returns published in 1884 showed that the various feudatory states of India had armies numbering 249,835 men and 4,237 guns. A large proportion of these forces were little better than an undisciplined rabble, but in 1888, after the native chiefs had loyally offered large sums of money toward the cost of imperial defense, the Indian government elaborated a scheme for the training and equipment of picked contingents of troops in certain states, and measures are now in progress which will enable the chiefs to furnish contingents of troops fit to take their place in line with the regiments of the Indian army. These special contingents are known as imperial service troops, and they now number about 19,000. Sixteen British inspecting officers have been appointed.

The health of the regular Indian troops has been so improved by better barracks, by quartering a larger proportion of the European soldiers at hill stations, and by attention to sanitary conditions that the death rate, which before the mutiny was 6.9 per cent for Europeans and 2 per cent for natives, has been reduced to 1.6 and 1 per cent, respectively.

EAST AFRICA (BRITISH).

British East Africa consists of a large area on the mainland (including the East Africa protectorate and the Uganda protectorate) under the immediate control of the foreign office, together with the islands of Zanzibar and Pemba, still governed through their Arab Sultan.

By the Anglo-German agreements of November 1, 1886, and July 1, 1890, the southern boundary of the territory extends in a northwest direction from the north bank of the mouth of the River Umba, going round by the north of Kilimanjaro to where the first parallel of south latitude cuts Lake Victoria. Thence across the lake and westward on the same parallel to the boundary of the Congo Free State. To the north and east the British sphere (which merges indefinitely with the old Sudan provinces of Egypt) is bounded, according to the Anglo-Italian agreement of 1891, by the Juba River up to 6° north latitude, by that parallel as far as 35° east longitude, and by that meridian northward as far as the Blue Nile.

It is coterminous with the Italian sphere of influence and with Abyssinia as far as the confines of Egypt. To the west it is bounded by the Congo Free State, the line of partition being 30° east longitude northward to the Nile-Congo watershed, which then becomes the frontier as far as the northernmost point of that State (the source of the Mbomu). North of this the British sphere has at present no western delimination, and debouches on the independent Mohammedan states of that region. The total area thus embraced probably extends to over 1,600,000 square miles. Treaties have been made with almost all the native chiefs between the coast and the Albert Nyanza, and with the Semoli tribes occupying the interior between the Juba and Tana, whereby commercial access to the Galla country is now opened.

In 1886 the dominions of the Sultan of Zanzibar were delimited, and were recognized as including a continuous strip of coast, 10 miles in depth, reaching from Cape Delgado to Kipini on the Ozi River. Outside this tract it was agreed that Germany should have as a sphere of influence the country stretching inland from the River Rovuma north-

ward to the Umba River, England's sphere of influence extending northward from the Umba. Northward of Kipini the Sultan of Zanzibar retained several stations where he had hitherto kept garrisons, viz, Lamu, Kismayu, Brava, Merka, Mogadischo, Warsheikh. Of these, however, the last four were ceded to Italy on August 26, 1892, and the Italian Government took over their administration on September 26, 1893.

The German East African Association, in virtue of a concession signed in May, 1888, acquired the right to administer the Mrima or mainland (including the customs of the Sultan's ports) from the Rovuma to the Umba River on the north, the Sultan of Zanzibar being subsequently paid the sum of 4,000,000 marks in return for the cession by him of all his rights to and on the coast line, which thus became an integral part of the German sphere, or, as it is now called, German East Africa. The Imperial British Africa Company acquired the right to administer the coast from the Umba to Kipini for fifty years on condition of an annual payment to the Sultan, and in 1889 further acquired the ports and islands (including Lamu, Manda, and Patta) to the north of the Tana. A further settlement of territorial questions in 1890 conferred on England the protectorate of Zanzibar, including the island of Pemba, and left to British influence the territory from the Umba north to the Juba River, including the territory of Witu, which was for a time placed under the control of the British East Africa Company.

By the end of 1892 the company had occupied the country as far as Uganda and between that and Lake Albert Edward and the river Semliki. By arrangement with the Government, the company retired from Uganda at the end of March, 1893, and on June 19, 1894, a British protectorate was declared over Uganda proper. On July 31, 1893, the company withdrew from the administration of Witu, which was temporarily placed under the administration of the Sultan. On June 15, 1895, a British protectorate was proclaimed over the territories lying between and not hitherto included within the protectorates of Zanzibar, Witu, and Uganda proper, and the whole of this region has since been divided, for administrative purposes, into two districts, called, respectively, the East Africa Protectorate and the Uganda Protectorate. The former extends, roughly speaking, some 400 miles inland, and the latter from that frontier to the interior limits of the British sphere. On June 30 the company evacuated the territory leased from the Sultan, the administration being taken over by Her Majesty's Government.

THE EAST AFRICA PROTECTORATE.

The East Africa Protectorate, which extends from the Umba to the Juba River and inland as far as the borders of Uganda, is placed under the control of a commissioner and consul-general, who is also British agent at Zanzibar. It is divided for purposes of administration into four provinces, each under a subcommissioner: (1) The coast province (Seyyidieh), capital Mombasa; (2) Ukamba, capital Machakos; (3) Tanaland, including Witu, capital Lamu; (4) Jubaland, capital Kismayu. The total population is estimated at 2,500,000, including 13,500 Asiatics and 390 Europeans and Eurasians. Mombasa (24,700) is the capital of the whole protectorate, and has a fine harbor, which has been much improved by the construction of jetties and other works. It is connected with Zanzibar by submarine cable and with Lamu by a telegraph line, via Golbanti (Tana River). The principal other ports are Lamu and Kismayu, toward the north, and Vanga and Takaungu,

toward the south. A railway is in course of construction toward Lake Victoria, Uganda. In February, 1898, about 120 miles were in operation.

The customs revenue for the year 1896–97 amounted to 306,191 rupees, and for the previous year 230,507 rupees. The imports for the year 1896–97 were valued at 3,925,597 rupees and exports at 1,172,026 rupees, and those for the year 1895–96 at, imports 2,653,995 rupees, exports 1,106,461 rupees. Shipping entered, 1893, 100,602 tons; cleared, 100,388 tons. On June 30, 1892, the Sultan of Zanzibar withdrew his reserves under the Berlin act, thereby placing all his dominions within the Free Zone. At the mainland ports 5 per cent import duty is levied under the Brussels act. The principal exports are ivory, india rubber, cattle and goats, grain, copra, gum copal, hides and horns, etc. The imports are Manchester goods, Bombay cloth, brass, wire, beads, provisions, etc. Mangrove logs (borites) for building purposes are imported at Mombasa from other parts of the coast. Trade is at present principally in the hands of East Indian merchants (Banians).

Trade is steadily increasing, although it has lately been hampered in the southern parts of the Protectorate by the rebellion of Mubarak, which was, however, successfully put down in April, 1896, and a hopeful feeling now prevails. The Masai, who had given some trouble to caravans in the interior, seem likely, in future, to respect the British authority. The higher plateaus are largely covered with rich grass, and are considered particularly favorable for ranching operations.

THE UGANDA PROTECTORATE.

In July, 1896, this protectorate was extended so as to include, in addition to Uganda proper, Unyoro and other countries to the west as far as the boundary of the British sphere (see above), as well as Usoga, to the east. The protectorate is administered by a commissioner, but the infant son of King Mwanga nominally reigns in Uganda proper. Order is maintained by means of a trained force of Sudanese. Regular criminal courts have been established, and there is a kind of native parliament. Roads have been made since the British occupation, but outside trade will be impossible until the completion of the railway, the construction of which from the coast was begun in the latter part of 1895. The soil is exceedingly fertile and coffee is thought likely to succeed. The natives show much skill in iron working, pottery, etc. The capital is Mengo, close to which is the British fort Kampala. The commissioner resides at Port Alice, on the Victoria Nyanza. Port Victoria, further east, is to be the terminus of the railway, and is 140 miles by road from Mengo and 100 by the lake. Forts have been established in Unyoro and other districts on the borders of Uganda.

Both Protestant and Roman Catholic missionaries have made many converts, and the adherents of the two communions long formed antagonistic factions, but their differences are now composed.

ZANZIBAR PROTECTORATE.

SULTAN AND GOVERNMENT.

The Sultan, or, more correctly, the Seyyid, Hamoud bin Mohammed bin Said, about 44 years of age, nephew of the late Sultans Ali, Khalifa, and Burghash, succeeded to the Sultanate on the death of Seyyid Hamed bin Thwain on August 27, 1896. He was one of two claimants, and was selected by the British Government as being the most fitting.

Zanzibar dominions were gradually acquired by the Imams of Muscat at various dates between the years 1698 and 1807, partly by conquest from the Portuguese and partly from native chiefs. They were held as an appanage of Muscat until the death of Seyyid Said, when, on a dispute as to the succession arising between Seyyid Thwain, of Muscat, uncle of the present Sultan of Zanzibar, and Seyyid Majid, of Zanzibar (both being sons of Seyyid Said), the dominions in Africa were made independent of the present State, and confirmed under Majid by an arbitration of Lord Canning (dated 1861), then Governor-General of India. Besides the islands of Zanzibar, Pemba, and smaller islands, the Sultan's authority nominally extended along the coasts and indefinitely inland, from Warsheikh, in 3° north latitude, to Tunghi Bay, in 10° 42′ south latitude; his influence, however, being exercised but a little way from the coast, except along a few trade routes. As mentioned above, the Sultan's dominions were gradually restricted in area between the years 1886 and 1890, until they finally included only the islands of Zanzibar and Pemba.

In October, 1891, a regular government was formed for Zanzibar, of which Sir L. Mathews is prime minister. All accounts are now kept in English and Arabic, and are always open to the inspection of the British consul-general, and no new undertakings or additional expenditure can be incurred without his consent. On February 1, 1892, Zanzibar was declared a free port, but the importation of spirits, arms, powder, and mineral oils remains subject to regulation.

AREA, POPULATION, RELIGION.

The island of Zanzibar has an area of 625 square miles, and Pemba 360 square miles. The population of the island is estimated at 150,000, and that of the island of Pemba at 50,000. There is a considerable foreign population, mostly engaged in trading. There are about 50 Englishmen, 50 Germans, a few Americans, Frenchmen, Italians, Greeks, and Roumanians, the two latter nationalities being under British protection. There are also about 7,000 British Indian subjects, through whose hands almost the whole trade of Zanzibar and of East Africa passes, directly or indirectly. The town of Zanzibar has a population estimated at 30,000.

Mohammedanism is the religion of the country, most of the natives of the coast and islands being Sunnis of the Shafi school, though many are heathen; while the Sultan and his relatives are schismatics of the Ibadhi sect. There are Christian missions (Church of England, Wesleyan, Independent, and Roman Catholic) on the island and far into the mainland.

There is a French hospital at Zanzibar, attended by French sisters of mercy, and a hospital at the Universities Mission. Sir Tharia Topan's hospital for Indians is now completed, but is not yet in use.

JUSTICE.

Justice among the Sultan's subjects is administered by various "Kazis," with an appeal to H. H. among Europeans by their consuls in all cases in which they are the accused or defendants. By a declaration signed December 16, 1892, the Sultan has delegated to the British agent and consul-general his right to try all cases in which a British subject is plaintiff or accuser and the defendant or accused is a Zanzibar subject or the subject of a nonchristian state without a treaty.

The British court has also jurisdiction over all slaves originally freed by Her Majesty's agent and consul-general, but as the legal status of slavery was abolished on the 6th of April, 1897, the relations between master and slave are no longer recognized by the tribunals. Most of the civil cases are brought into the British court, from which there is an appeal to the Bombay high court. To it also pertains admiralty jurisdiction with reference to the slave trade, and it is a naval prize court, by virtue of the Zanzibar (prize) order in council, 1888.

FINANCE AND COMMERCE.

The revenue of the Sultan was mainly derived from customs dues and taxes on produce, chiefly cloves. Under the new arrangement with England the Sultan's privy purse, which will be kept separate from the general revenue of the country, has been fixed at about 120,000 rupees annually, and the remainder of the revenue will be devoted to the charges for police, harbor improvements, and public works. All the public expenditure must receive the sanction of the Sultan and the British agent and consul-general.

There is a regular army of about 900 men, including police, under the command of General Raikes.

In 1895 the imports amounted to £1,293,646, and in 1896 to £1,275,470, and were distributed as follows:

From Great Britain	*a* £118,022
British India	*b* 385,537
Sultan's dominions: Zanzibar and Pemba	*b* 134,331
German East Africa	*a* 202,813
Germany	*b* 64,597
America	*a* 90,975
Holland	*a* 71,311
Madagascar, Mauritius, and Comoro Islands	*b* 42,021
British East Africa	*b* 45,422
Benadir ports	33,433
France	17,566
Other countries	*a* 69,848

The exports in 1895 amounted to £1,119,841, and in 1896 to £1,158,806. In 1896 the chief exports were:

Piece goods	*a* £336,229
Specie	*a* 137,557
Cloves	*a* 102,045
Ivory	*a* 127,109
Rice	*b* 59,738
Copra	*a* 64,802
Rubber	*b* 17,569
Gum copal	*b* 16,060
Hides	*a* 11,306
Tortoise shell	*b* 8,160
Sim-sim	*b* 5,519
Chillies	5,484
Hippopotamus teeth	*a* 5,285
Other articles	*b* 261,873

In the year 1896 166 vessels (other than coasting vessels) entered the port, among which were included 59 vessels of 98,273 tons, British; 69 vessels of 88,483 tons, German; 27 vessels of 49,967 tons, French.

There is a special coinage issued under the Sultan's authority, of which the Maria Theresa dollar is the unit; but the British Indian rupee is the coin now universally current, though in all business transactions the dollar is the standard of value. The dollar has a fixed value of 2 rupees 2 annas, and the rupee is worth 47 cents.

a Increase as compared with 1895. *b* Decrease.

EGYPT.

Egypt is nominally a province of the Ottoman Empire, but maintains an autonomous government, under the rule of the Khedive, subject to the annual payment of a tribute of £682,092. The title of khedive, which is hereditary, was given by a firman of the Sultan of May 14, 1847. The intervention and practical occupation by Great Britain began with the revolt of Arabi Pasha, which the Khedive was unable to subdue. The revolution headed by Mohammed Ahmed, who proclaimed himself a mahdi, resulted in the extension and confirmation of the British power. In October, 1892, the British army of occupation had about 3,500 men. It was increased in January, 1893, by two battalions. There appears to be a local military and police force of about 16,000 men. In 1896 the public revenue was upward of £10,500,000. The public expenditure amounted to nearly £10,000,000. The consolidated debt at the end of December, 1896, amounted to nearly £94,000,000.

In 1875 the British Government acquired by purchase something less than a majority of the shares in the Suez Canal. By a convention signed at Constantinople October 29, 1888, an agreement was made between the principal European powers to exempt the canal from blockade, and to secure to the vessels of all the signatories, whether armed or not, the right of passage in war as well as in peace.

The Statesman's Year-Book 1898 says that, by a firman of May 27, 1866, obtained on the condition of the sovereign of Egypt raising his annual tribute to the Sultan's civil fund from £376,000 to £720,000, the succession to the throne of Egypt was made direct from father to son instead of descending, after the Turkish law, to the eldest heir. By a firman issued June 8, 1873, the Sultan granted to Ismail I the rights of concluding commercial treaties with foreign powers, and of maintaining armies.

The administration of Egypt is carried on by native ministers, subject to the rule of the Khedive, but from 1879 to 1883 two comptrollers-general, appointed by France and England, exercised considerable powers in the direction of the affairs of the country. (See Khedivial decree, November 10, 1879.) The intervention of England in 1882 was not participated in by France, and on January 18, 1883, the Khedive signed a decree abolishing the joint control of England and France. In place of this control the Khedive, on the recommendation of England, appointed an English financial adviser, without whose concurrence no financial decision can be taken.

The Egyptian ministry is composed of six members: (1) The president, who has the department of the interior; (2) the minister of finance; (3) justice; (4) war; (5) public works and public instruction; (6) foreign affairs. By an organic law of May 1, 1883, representative institutions were created, including a legislative council, a general assembly, and provincial boards. The legislative council is a consultative body, consisting of 30 members, of whom 14 are nominated by the Government. It meets once a month and examines the budget and all proposed administrative laws, but it can not initiate legislation, and the Government is not obliged to act on its advice. Of its members, 15 residing in Cairo receive an allowance of £90 a year for carriage expenses, and 15, being delegates from the provinces and provincial towns, receive £250 a year for residential expenses in Cairo, besides traveling expenses to and from Cairo once a month.

The general assembly, which consists of the members of the legislative council, with the addition of the 6 ministers and 46 members popu-

larly elected, has no legislative functions, but no new direct personal or land tax can be imposed without its consent. It has to be summoned at least once every two years. The members, when convoked, receive an eight days' allowance at £1 a day, with railway expenses. The council of ministers, with the Khedive, is the ultimate legislative authority. Since 1887 an Ottoman high commissioner has resided in Cairo. Egypt proper is administratively divided into six governorships (moafzas) of principal towns, and fourteen mudiriehs, or provinces, subdivided into districts or kisms.

There are four judicial systems in Egypt: 1. The courts of the religious law, concerned chiefly with the personal status of Mohammedans. 2. The mixed courts instituted in 1875, dealing with civil actions between persons of different nationalities and to some extent with criminal offenses. 3. The consular courts, wherein foreigners accused of crime are tried. 4. The native courts for civil actions between natives, or crimes by natives. The Statesman's Year-Book, referring to these courts, says:

> The native courts, instituted 1884–1889, with both foreign and native judges, now consists of 6 courts of first instance, an appeal court at Cairo, and 42 summary courts for cases of moderate importance. With special reference to these tribunals a British adviser was appointed in 1891. A committee of judicial surveillance watches the workings of the courts of first instance and the summary courts, and endeavors by letters and discussion to maintain purity and sound law.
>
> There is an Egyptian procureur-général, who, with other duties, is intrusted with criminal prosecutions. The police service, which has been subject to frequent modification, was, in 1895, put under the orders of the ministry of the interior, to which an English adviser and English inspectors were attached. The provincial police is under the direction of the local authorities, the mudirs or governors of provinces, and the omdehs or village headmen. To the latter, who are responsible for the good order of the villages, a limited criminal jurisdiction has been intrusted.

On April 5, 1880, the Khedive issued a decree appointing an international commission of liquidation to examine the financial situation of Egypt and to draft a law regulating the relations between Egypt and her creditors. The debt of Egypt is now administered by this commission. The United States, while not represented in the commission, is always consulted in the arrangements respecting the debt, and has so far given a formal assent to whatever changes have been proposed with the concurrence of the powers represented in the commission.

The United States, besides maintaining consular courts in Egypt, is a party to, and is represented in, the mixed tribunals. It has two judges in those tribunals.

In 1882 the Egyptian army was disbanded by a decree of the Kedive, and in December of that year the organization of a new army was intrusted to a British general officer, to whom was given the title of sirdar. The present sirdar is Maj. Gen. Sir Herbert Kitchener. It is said that there are about one hundred English officers serving at present in the Egyptian army, which has a total strength of 18,000. As has been above stated, an English army of occupation has remained in Egypt since 1882. Its strength is over 4,000. The Egyptian Government contributes £87,000 annually to meet the cost of the army of occupation.

Egypt has practically no navy.

TONKING.

This territory, annexed to France in 1884, has an area of 34,740 square miles and is divided into fourteen provinces, with 8,000 villages and a population estimated at 9,000,000. There are 400,000 Roman Catholics.

The King of Annam was formerly represented in Tonking by a viceroy, but in July, 1897, he consented to the suppression of the viceroyalty and the creation of a French residency in its place. Chief town, Hanoi, an agglomeration of many villages, with a population of 150,000. Including the region formerly claimed by Siam, but annexed in 1893, the total area is about 122,000 square miles and the population is estimated at 12,000,000. There were 18,555 troops in 1892, including 6,500 native soldiers. The chief crop is rice, exported mostly to Hongkong. Other products are sugar cane, silk tree, cotton, various fruit trees, and tobacco.

There are copper and iron mines of good quality. French companies work coal mines at Hongay, near Haiphong, and at Kebao. The chief industries are silk, cotton, sugar, pepper, and oils. In 1896 the imports of merchandise into Tonking amounted to 25,204,013 francs; exports, 7,560,898 francs. Chief imports are metals and metal tools and machinery, yarn, tissues, and beverages; chief exports, rice (2,301,000 francs) and animal products. The transit trade to and from Yunnan amounts to about 5,000,000 and 3,200,000 francs, respectively. In 1896 there entered 1,407 vessels, of 461,454 tons. The Phulang-Thuong-Langson Railway is 64 miles long. It is proposed to extend it to Nacham, on the Chinese frontier. In Annam and Tonking in 1895 there were 79 post-offices. Local revenue of Annam and Tonking (Budget of 1897), $7,962,000. The expenditure of France for Tonking in the Budget of 1898 was 24,450,000 francs.

BULGARIA.

Bulgaria is a protected State in the true sense, viz, it is a State which intrinsically is not strong enough to maintain its independence against the neighboring Ottoman Empire, and which owes its separate existence to an act of the powers, the object of which was to secure general tranquillity.

The treaty of Berlin (1878) provided that Bulgaria should be an autonomous and tributary principality under the suzerainty of the Sultan, having a Christian government and a national militia. The Ottoman army should no longer remain in it. The executive was to have the title of prince, and to be elected by the people and confirmed by the Sublime Porte, with the assent of the powers. No member of any reigning European house was to be eligible for the princeship. An assembly of notables was to draw up the constitution prior to the election of the first prince. In the interim the principality was to be provisionally governed by an imperial Russian commissary with the assistance of an imperial Turkish commissary and consuls delegated by the other powers. After the election of the prince the principality was to enjoy full autonomy except in the following particulars:

(*a*) Its annual tribute to the Porte.

(*b*) Its obligation to assume part of the Ottoman debt.

(*c*) Its being bound by the subsisting treaties between Turkey and other powers.

(*d*) Its obligation to protect religious liberty in its constitution.

(*e*) The prohibition to levy transit dues.

In nearly all other respects Bulgaria was to be on the footing of an independent State.

The treaty also provided for a separate government for Eastern Roumelia, which was to be a "province" "under the direct political and military authority" of the Sultan, "under conditions of administrative autonomy." It was to have a Christian governor-general, nominated by the Porte, with the assent of the powers, every five years.

He was to have the power of summoning the Ottoman troops when necessary, etc. Thus Eastern Roumelia was not a protected State, but simply a province with a certain amount of home rule in matters of civil administration.

In September, 1885, the government of Eastern Roumelia was overthrown by a revolution, and the province became, for all purposes, a part of Bulgaria.

NOTE.—The other "Danubian prineipalities," namely, Roumania, Servia, and Montenegro, present features of interest only in so far as they are cases of progress from the "protected" stage to absolute independenee, instead of from the protected stage to that of complete colonialism—a reversal, in short, of the usual order of things. From very early times Moldavia, Wallachia, Servia, and Montenegro had been among the most unruly of the possessions of the Turkish Crown, and long and bitter struggles were frequently necessary to maintain even the semblance of the Imperial authority there. As early as 1829 Turkey had been obliged to recognize the separate existence of Servia, at least as a protceted state; and Montenegro was certainly no more than a protected state after Russia, in 1851, had recognized Danilo I as Gospodar, or Prince. The whole Danubian question, as to the exact extent of the protectorate exereised by the Porte, was in a very unsettled condition until, by the Treaty of Berlin (1878), the absolute independence of Servia, Montenegro, and Wallachia-Moldavia, joined together as Roumania, was recognized.

THE DUTCH EAST INDIES.

Before 1798 the Dutch possessions in the far East were governed by the Dutch East India Company. In that year the East India Company was dissolved. At present the supreme law or constitution of the Dutch colonies is the "Regulations for the Government of Netherlands-India," passed by the King and States-General in 1854.

Under this organic law the chief executive or governor-general is assisted by an advisory council of five. He has residuary governmental powers, and may consequently make any law not specially reserved to the province of the legislature of the mother country or forbidden by the "Regulations."

For purposes of internal administration Dutch East India is divided into residencies, each of which is presided over by a resident, who is accountable to the governor-general. Under each resident are several assistant residents and several contrôleurs. All these officers are appointed as the result of a kind of civil-service examination. Under them is a hierarchy of native officials, some of whom are paid salaries, but perhaps the greater number by percentages on the taxes they can gather from the natives.

The Dutch East Indies are sometimes divided into (1) Java and (2) the Outposts. In Java the natives are forced to submit to the "culture system" inaugurated by Van den Bosch in 1832, which amounts practically to forced labor, under Government supervision, in the cultivation of coffee. (Until 1870 the culture system extended also to sugar, indigo, pepper, tea, and tobacco.) The Outposts never had the culture system, with the exception of a few residencies.

Religious liberty is provided for by the "Regulations."

As to the administration of justice, the laws for Europeans are similar to those of the mother country, and are interpreted by European judges. Natives are still governed by their own customs and institutions and are judged largely by their own chiefs. In 1895 the native population was about 32,000,000. There were also about 454,000 Chinese, 24,000 Arabs, and 27,000 other Orientals. The Europeans numbered about 62,061.

THE FEDERATED MALAY STATES—A SKETCH OF THEIR GROWTH AND POLITICAL ORGANIZATION, BY FRANCIS B. FORBES.

The following sketch has been compiled exclusively from Parliamentary Papers and other English publications, the list of which is given below. It has been my aim, as far as possible, to tell the story in the words of the original reports and dispatches, which have sometimes been reproduced without acknowledgment. If this has entailed a certain amount of repetition, I hope, on the other hand, that the narrative has gained in interest more than it may have lost in conciseness, through the many side lights thrown upon the curious social system of the Malays and upon the methods by which it has been transformed under foreign influence.

FRANCIS B. FORBES.

LONDON, *November 14, 1898.*

LIST OF DOCUMENTS CONSULTED.

PARLIAMENTARY PAPERS.

Correspondence relating to the affairs of certain native states in the Malay Peninsula in the neighborhood of the S. S			C1111.	1874
Further	ditto	ditto	C1320.	1876
Ditto	ditto	ditto	C1505.	1876
Ditto	ditto	ditto	C1512.	1876
Ditto	ditto	ditto	C1709.	1877
Ditto	ditto	ditto (maps and sketches referred to in C1505. 1876)	C1505. I.	1876
Straits Settlements.	Instructions to the British residents and other papers relating to the protected Malay States		C2410.	1879
Straits Settlements.	Return for copy of treaty of 1855 between the Sultan of Johore and his Tumonggong and for the correspondence respecting Muar since the death of the late Sultan of Johore		120.	1879
Straits Settlements.	Instructions to British residents and other papers relating to protected Malay States		C2410.	1879
Ditto	Papers	ditto	C3095.	1881
Ditto	Correspondence respecting slavery in Malay States		C3285.	1882
Ditto	Further	ditto	C3429.	1882
Ditto	Correspondence respecting protected Malay States		C3428.	1882
Ditto		ditto	C4192.	1884
Ditto	Agreement between S. of state for colonies and Sultan of state and territory of Johore		C4627.	1886
Ditto	Agreement between governor of Straits Settlements and Sultan of Pahang		C5352.	1888
Ditto	Further correspondence protected Malay States		C4958.	1887
Ditto		ditto	C5566.	1888
Ditto		ditto	C5884.	1889
Ditto	Papers relating to	ditto	C6222.	1890
Ditto		ditto Repts. for 1890	C6576.	1892
Ditto		ditto Repts. for 1891	C6858.	1893
Ditto	Reports on the	ditto Repts. for 1892	C7228.	1893
Ditto		ditto Repts. for 1893	C7546.	1894
Ditto		ditto Repts. for 1894	C7877.	1895
Ditto		ditto Repts. for 1895	C8257.	1896
Ditto		Federated Repts. for 1896	C8661.	1897

Correspondence respecting the federation of the protected Malay States, May, 1893, to December, 1895. (Taiping, 1896.)

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Royal Institution of Great Britain, May 27th, 1898. Paper by Lieut. General The Hon. Sir Andrew Clarke. R. E., G. C. M. G., on "Sir Stamford Raffles and the Malay States."

INTRODUCTORY.

In the early part of this century the British East India Company, chiefly through the enterprise of Sir Stamford Raffles, had acquired the so-called "Straits Settlements"—Singapore, Malacca, Penang, and Province Wellesley. These settlements are dotted along the west coast of the Malacca Peninsula, and between them were small Malay States, in the affairs of which the East India Company had always declined to intervene, a policy which was continued when, later on, the Settlements were transferred to the direct authority of the Crown.

These native States were, however, always in various stages of anarchy, and their perpetual quarrels became more and more intolerable. Things reached a crisis in 1872, when, in addition to the squabbles of the Malay chiefs, the Chinese miners in Larut divided themselves into two camps and carried on organized warfare with piracy in the neighboring waters. By the end of 1873 the paralysis of trade and the decimation of the population had become a serious danger to the adjoining British settlements, as Sir Andrew Clarke has well described in his address before the Royal Institution on the 27th of last May.

Years of guerrilla warfare [says Sir Andrew Clarke] between rival Malay chiefs and their adherents, on the one hand, and between various Chinese secret societies and factions, on the other, had put a stop to all legitimate work. Towns and villages had been destroyed, mines closed, orchards wasted, and fields left uncultivated for years.

There was no safety for life and property, no money, no trade, and little food in the country. Lawlessness and oppression prevailed everywhere, and those who found it hard to live on shore took to the water and made the Straits of Malacca the scene of their operations, so that hardly a day passed but some small trading vessel would be attacked and burnt after the entire crew had been murdered. Probably at no time had the ill fame of the Malacca Straits so truly justified its reputation for acts of piracy as in the closing months of the year 1873.

For particulars of the terrible sufferings and terrible oppression of the Malay working classes, men and women, it would be well to consult the reports written by the residents and forwarded to the colonial office. Briefly, it may be said that while the facts were more than enough to justify the interference of Great Britain, far too long delayed, it happened that at this very time influential Malay chiefs in Perak, Selangor and Sunjie Ujong sought the assistance of the governor of the Straits Settlements to put an end to a state of affairs which had got beyond their control, and in Perak the claimant to the supreme power asked that a British officer might be sent to aid him in the administration of the government of the country.

This was the moment at which it was decided to interfere for this purpose, and what is known as the engagement of Pangkor was the result. The governor of the Straits Settlements went to Perak, taking with him the officers considered best qualified to assist in the difficult task of pacifying Malays and Chinese, putting down all violence with a firm hand, healing old sores, making, or attempting to make, reconciliation of quarrels, restoring to their homes women who had been captured and carried into slavery, and dividing the mining lands between opposing factions of Chinese.

II.—The engagement of Pangkor.

Sir Andrew Clarke, who arrived in Singapore late in 1873, to take over the governorship of the Straits Settlements, had been instructed by the imperial Government to study the situation carefully, and to report as soon as possible. But he found affairs so critical that he decided to act at once, on his own responsibility. He had private negotiations opened with the headmen of the Chinese, the result of which was that all boats, stockades, and arms were delivered up to him. At the same time he communicated with the chiefs of Perak, whom he invited to meet him to concert about the British protectorate, for which they had been persuaded to apply, and in order that the disputed succession to the throne of Perak might be settled once for all. The last precautions taken by Sir Andrew Clarke before the meeting of the chiefs are characteristic of his humanity, his tact, and his energy. "I provided a supply of food," he reports, "as I had every reason to believe very great distress existed in the river, and I also made provisions for removing any troublesome or lawless persons, whom it might be necessary to get rid of, to Singapore or Penang."

Finally, on the 20th of January, 1874, the chiefs of Perak, assembled at Pangkor at the governor's invitation, signed an engagement witnessed by him for placing their State under British protection. As this document was the model of others signed soon afterwards by the sultans of Selangor and Sunjie Ujong, the following summary will be of interest.

I quote the preamble in full, and give an abstract of the principal articles.

ENGAGEMENTS ENTERED INTO BY THE CHIEFS OF PERAK, DATED JANUARY 20, 1874.

Whereas a state of anarchy exists in the Kingdom of Perak, owing to the want of settled government in that country, and no efficient power exists for the protection of the people and for securing to them the fruits of their industry; and

Whereas large numbers of Chinese are employed and large sums of money invested in tin mining by British subjects and others residing in Her Majesty's possessions, and the said mines and property are not adequately protected, and piracy, murder, and arson are rife in the said country, whereby British trade and interests greatly suffer, and the peace and good order of the neighbouring British settlements are sometimes menaced: and

Whereas certain chiefs, for the time being of the said Kingdom of Perak, have stated their inability to cope with their present difficulties, and together with those interested in the industry of the country have requested assistance: and

Whereas Her Majesty's Government is bound by treaty stipulations to protect the said Kingdom and to assist its rulers.

The document goes on to recite the articles of arrangement which Governor Sir Andrew Clarke has proposed "as mutually beneficial to the independent rulers of Perak, their subjects, the subjects of Her Majesty, and others residing in or trading with Perak," the more important of which may be summarized as follows:

The disputes as to the Sultanate are settled by the recognition of Abdullah as Sultan, and of Ismail (then acting Sultan) as Sultan Muda, the latter to have a pension and a small territory assigned to him. Other arrangements as to chiefs are also recited.

All revenues are to be collected and all appointments made in the name of the Sultan.

The Sultan is to receive and provide a suitable residence for a British Resident, "whose advice must be asked and acted upon on all questions other than those touching Malay religion and custom." An

Assistant Resident is to be stationed at Larut, subordinate only to the Resident. The cost of these Residents and of their establishments, to be determined by the Governor of the Straits Settlements, is to be a first charge on the revenue of Perak.

A civil list, regulating the income to be received by the Sultan and other chiefs and officers, is to be the next charge on the revenues.

The collection and control of all revenues and the general administration of the country are to be regulated under the advice of the Resident.

As soon as order shall be restored in Perak, one or more British officers shall take immediate measures "for restoring, as far as practicable, the occupation of the mines and the possession of machinery, etc., as held previous to the commencement of these disturbances," and the decision of such officers is to be final as to payment for damages.

The remaining articles refer to boundary adjustments and the pacification of the district so long disturbed.

In an address to the London Chamber of Commerce (November 6, 1889), Sir Andrew Clarke gives a graphic account of his method of handling the Malay chiefs and the Chinese:

> The principles on which I acted were very simple. Personal influence has always great effect upon natives of the type of the Perak chiefs, and this influence I endeavored to apply. Where it was possible, I sought interviews with them and pointed out the effects of the evils from which the country was suffering. Their real interests were peace, trade, and the opening up of their country. In place of anarchy and irregular revenues, I held out the prospect of peace and plenty. I found them in cotton. I told them that, if they would trust me, I would clothe them in silk. Their rule had resulted in failure. I offered them advisers who would restore order from chaos without curtailing their sovereignty. They were willing to listen to reason, as the vast majority of persons, whether wearing silk hats or turbans, usually are.

The following extract from the same address is valuable on account not only of the intimate knowledge displayed of Chinese secret societies in British colonies, but of the shrewd suggestions as to the best means of keeping them under control by Government. "The troubles of the Peninsula," he says, "were largely due to the fighting proclivities of the Chinese, supported by secret societies, which were directed by influential Chinamen, even in Singapore itself. The Chinese secret society is a bugbear to some minds, and I may be pardoned for a brief reference to it. Secret societies are the natural and inevitable outcome of an arbitrary and oppressive government, such as exists in China, and the Chinaman, having acquired the hereditary habit of creating such organizations, carries it with him to the country of his adoption. In China the secret society is doubtless almost entirely political, constituting a danger to the State. Transplanted to another country, it entails no necessary political dangers and becomes practically a species of guild for mutual protection, of the nature of a benefit or a burial club.

"Such combinations do, however, frequently lend themselves to lawlessnes and crime, or even, as in Larut, to the civil war of rival factions. The main evil is the secrecy observed in the deliberations and proceedings of these societies. Try to suppress them altogether, and you will drive them deeper below the surface and render them really dangerous. On the other hand, recognize them so long as they keep within the confines of law, insist as far as possible upon open

meetings and publicity of accounts, and you will then find a powerful lever ready to your hand. You will be able to hold the leaders responsible for illegality; you may even manipulate the secret society to your own ends. This was the course pursued with success in the case of the Malay States; and I am indebted to the chiefs of the Chinese secret societies for support readily accorded as soon as they understood the principles upon which my action was based."

If, in studying the Blue Books of this period, one reads between the lines in the light of the above passage, it is possible to realize how much of Sir Andrew Clarke's success in calming the Chinese factions and in arbitrating their disputes was due to his personal influence with the heads of their secret societies.

After the engagement of Pangkor was signed, more arms were surrendered, and a bond was executed by leading Chinese, binding themselves "to keep the peace towards each other and towards the Malays, in a penalty of 50,000 dollars, as well as to observe certain articles set out in the arrangement, and, above all, to entirely complete the disarmament of their stockades."

Sir Andrew Clarke, in his report to the secretary of state for the colonies, just quoted, alludes to another question of grave importance. He adds:

I found at the same time incidentally that women and children had been taken captive and were even then detained in slavery, while it was alleged, and posibly with truth, that the former were kept for the purposes of prostitution against their will. Common humanity alone demanded my action under such circumstances, and judging from our past experience of all negotiations with Eastern nations, and seeing the evident desire that existed on all sides for impartial arbitration by British officers of their claims, I decided at once on appointing, with the full consent of the Sultan, a commission of three officers to settle the question of right to the mines, and to endeavor to discover and restore all women and children. I have little doubt, from the character of the officers I appointed, of their success, and I expect by the next mail to be able to assure your lordship that this part of the question is satisfactorily settled, and the more especially as the Chinese agreed to consider the decision of these officers as final.

Sir Andrew Clarke concluded this dispatch as follows:

I am perfectly aware, as I have already said, that I have acted beyond my instructions, and that nothing but very urgent circumstances would justify the step I have taken; but I have every confidence that Her Majesty's Government will feel that the circumstances at the time—the utter stoppage of all trade, the daily loss of life by the piratical attacks on even peaceful traders, and by the fighting of the factions themselves, and the imminent peril of the disturbances spreading to the Chinese in our own settlements—justified me in assuming the responsibility I have taken.

In a dispatch, about a month afterwards, Sir Andrew Clarke gave at length his ideas as to the necessity of Residents in these native States, and of the character and scope of their functions. "The Malays," he says, "like every other rude Eastern nation, require to be treated much more like children, and to be taught; and this especially in all matters of improvement, whether in the question of good government and organization, or of material improvement by opening means of communication, extending cultivation, and fostering immigration and trade. Such teaching can only be effected by an officer living on the spot, whose time should be devoted to carefully studying the wants and capabilities of each State, and to make himself personally acquainted with every portion of the country, and thus fitting

himself for the post of counselor when the time for opening up the country arrives." Again, in the same dispatch, he says:

By the ninth clause the Sultan, the Bandahara, the Mantri, and other officers are to be provided for by a regular civil list to be hereafter arranged: and of course the Sultan will be advised to appropriate the balance of his revenue, whatever it may be, to public works and improvements.

This watching the collection of the revenue and controlling its expenditure will form no insignificant part of a Resident's duties: and as far as bringing about a good system of government is concerned, will be about the most important portion of them.

The collection of the revenue, from whatever source derived, and however legitimate, is carried on at present among these States with a perfect absence of all system and without any fixed rules or tariff, while it is at all times accompanied by individual instances of extortion or, as more familiarly known in the Chinese and Malay States, by "squeezing."

To check this, and to induce the Sultan to select proper men for the collection, will be the Resident's special care, and the process will not be an expensive one, as the staff required will be comparatively small, since the country, intersected as it is by rivers, is admirably adapted for the collection of the royalty on the minerals which must pass down these rivers to the sea.

The revenue on grain and on opium and spirits, all legitimate sources for raising a revenue from, will require much consideration and care, but will, I have little doubt, hereafter form an important item in the resources of the country and afford ample means for its development.

The dispatch closes with these earnest words:

I have now endeavored to explain to your lordship all that has taken place in this last intervention in the affairs of Perak, as well as all the terms of the engagement then entered into between the chiefs, and my reasons for according to those terms my cordial assent.

I trust your lordship will understand that by so giving my assent I have in no way bound Her Majesty's Government to any particular cause, and that it is perfectly possible now to withdraw from the position I have temporarily assumed.

But your lordship will, I feel sure, allow me at the same time to express my conviction and that of all the members of my councils that, looking to the long and intimate relations of Great Britain with the Malayan States, to the proximity of these settlements, and to the state of anarchy and misrule which has for some years prevailed in Perak and Selangor, the time has arrived when, as a nation, we shall be neglecting a great and paramount duty if we any longer delay that intervention which the causes of civilization and good order now so loudly demand.

The governor's action was received with the greatest satisfaction by all his fellow-countrymen who had important interests in the Straits Settlements and vicinity, as was shown by published resolutions and letters from the chamber of commerce in Singapore and the Straits Settlements Association in London. And on March 11, 1874, the Times published a letter, giving to the English public a succinct account of what had passed, and predicting the immediate advance in prosperous development which the protected States would show as the consequence of the new order of things. Under the signature of "Malacca" was veiled the personality of a man well known for his familiarity with Malayan affairs, and I quote the following passage, which touches the crucial point of the whole question:

The success of Sir G. Clarke's experiment, however, will depend materially on the personal character of the resident who is to represent British power and to exercise British influence. If he is liked and respected by the Malays, he will lead them easily, as the Brookes have done in Borneo. But to be liked and respected he must understand them, their language, character, and habits. He must be patient, cool, and firm, and he must be sober, truthful, and incorruptible.

On September 24, 1874, Lord Carnarvon, secretary of state for the colonies, wrote to Governor Clarke, complimenting him on the ability, zeal, and tact which he had displayed, approving generally of his

course and giving him a message for the native chiefs, in consequence of which the following proclamation was issued on the 2d of November:

PROCLAMATION OF THE GOVERNOR OF THE THREE SETTLEMENTS, SINGAPORE, PENANG, AND MALACCA, TO THE MALAY RAJAHS, ELDERS, AND PEOPLE, TO MAKE KNOWN TO THEM THE GOOD WISHES OF THE GREAT QUEEN OF ENGLAND.

Whereas disturbances existed in several of the Malayan States in the neighborhood of the Straits Settlements, and the chiefs and rulers of the said States being unable themselves to keep the peace and protect the people under their rule, applied to this Government for assistance and protection, and this Government intervened to settle such disturbance and to aid the said chiefs and rulers to govern their respective countries, and arrangements were made with them for that purpose: and whereas the said matters were referred to the Government of the Great Queen in England: Now, this is to make known to all that a letter has been received from the Right Honorable Earl of Carnarvon, of Highclere Castle, Newbury, high steward of the University of Oxford, constable of Carnarvon Castle, doctor of civil law, principal secretary of state to Her Most Gracious Majesty Victoria, of the United Kingdom of Great Britain and Ireland Queen, and Empress of India, minister of the Great Queen, in which the minister giving the orders of the Great Queen's Government says, in that letter about the engagement entered into at Pulo Pangkor, in Perak, on the 10th of January, 1874, that the engagement is approved by the Great Queen: and the minister charges the governor of the three settlements to acquaint the several chiefs who have entered into these agreements that Her Majesty's Government have learnt with much satisfaction that they have now combined under our advice to put a stop once for all to the reign of anarchy and piracy which has unhappily so long been allowed to prevail, and which naturally resulted in the cessation of all legitimate trade and the impoverishment of the country, and at the same time to inform them that Her Majesty's Government will look to the exact fulfilment of the pledges which have now been voluntarily given, and will hold responsible those who violate the engagement which has been solemnly agreed upon.

The minister of the Great Queen also says that it is to be hoped that the wealth and material prosperity of the Malay Peninsula may largely increase, and that the chiefs and people may gradually be led to understand that their true interests are best served by the natural and unrestricted growth of commerce which will surely follow upon the maintenance of peace and order within their respective territories; and this we make known to all the rajahs, chiefs, and people that may be made acquainted with the wishes of the Great Queen's Government.

By his excellency's command,

T. BRADDELL,
Acting Colonial Secretary.

COLONIAL SECRETARY'S OFFICE,
Singapore, November 2nd, 1874.

This proclamation was communicated by Sir Andrew Clarke to Lord Carnarvon, who, on December 17, conveyed to the governor his formal approval thereof.

At a meeting of the legislative council of the Straits Settlements, in September, Governor Clarke had made a long and carefully weighed statement of the late situation and of the measures he had taken to bring order out of chaos, for the successful prosecution of which he asked their approval, their advice, and their support.

He appealed to history to show the evil results of the appearance of foreigners in Malaya, anxious only for gain and careless of any feeling of responsibility toward the natives, and he quoted the following extract from a recent paper by Mr. Braddell, the acting colonial secretary:

Before the downfall of the Malayan Empire at Malacca the trade of the peninsula was collected in certain depots, and there was then a recognized government, which, although low in the scale of civilization, afforded protection to producers and encouraged traders to visit the ports. The trade remained at Malacca, under the Portuguese, from the beginning of the sixteenth century, but gradually declined with the authority of the Portuguese in these seas; and when the Dutch took

Malacca, in 1641, the evil effects of the system of European nations establishing themselves in the native States and monopolizing the trade of those States had become visible in the decrease of population, the loss of trade, and the growth of piracy. The effect of the establishment of Europeans in the seventeenth and eighteenth centuries was to destroy the power and the prestige of the native governments, and as the Europeans did not afford any protection beyond the walls of their factories, anarchy and confusion arose. The people were left without protection for life and property; they were discouraged from agriculture and trade, not only by oppression and enforced monopolies on the part of Europeans in their neighborhood, but also from the want of protection before afforded by their own governments.

Each petty rajah assumed independence of his former suzerain, and in his own district exercised, as far as he could, power at the expense of the people within his jurisdiction. It was to have been hoped that the establishment of British colonies in the Malayan Peninsula at the end of the last and the beginning of the present century would have been beneficial to the neighboring native States. And so perhaps it was at first; but the Indian government were early dissatisfied with the result of the establishment at Penang, and soon stringent orders were given to the local government not to interfere in the native States on any pretext whatever. The result has been unfortunate as encouraging the existence, by noninterference, of a state of misgovernment and anarchy difficult to describe, and which might in a great measure have been prevented by an intelligent fostering of the existing native governments, protecting them not merely from external aggression, but also from internal troubles.

Governor Clarke impressed upon his council the important fact that the document signed at Pangkor was not a treaty, but an engagement voluntarily entered into by the chiefs among themselves; that the chiefs had practically come to the British authorities saying, "Give us people to open up our country; we are quite ready to take your advice and be guided by your influence." He thought that, even if this new policy might possibly entail some sacrifices at first on the Straits Settlements, the effect would be commensurate, and that, apart from their responsibilities as officials or as traders, or apart from their higher duties as Englishmen to their flag, their country, and their Queen, the success of the Malays themselves, whenever they had come under English influence and protection, was quite sufficient to justify the course he had adopted, or even a stronger and more determined one. "This," he said, "is a great and imperial question to think out and consider. I do not ask you now to come to any final decision upon it, or to decide without thought and in haste; but, standing as we do here on the grave of ancient empires, let it be now our mission, gentlemen, to gather together their scattered fragments and form them into the cradle of a new and fair dominion, federated in justice and morality, and which will exceed in usefulness to mankind, and in honor to our nation and faith, all that has preceded it on these shores."

Such was the policy by which the British Government was guided in assuming a protectorate over the Malay State. If it was inspired by high considerations of humanity and morality; it was none the less statesmanlike and practical. And it may fairly be said that it has been unswervingly pursued by the Residents and other British officers during nearly a quarter of a century of successful administration.

III.—Early Troubles.

At the start Governor Clarke made only five British appointments, a Resident for each of the three States, with an Assistant Resident in Perak and one in Selangor. All of these gentlemen, whether as military officers, barristers, or members of the Straits Settlements civil service, had learned to speak the Malay language, were ac-

quainted with the country, and had experience in dealing with the people.

To give an idea of the qualifications for which the governor sought in his officers I quote from his report of their appointment to the colonial office. Speaking of Mr. Birch, who was to be Resident at Perak, the governor had not selected him until—

> By the success which had attended one or more missions, with which he had been lately intrusted, he had given evidence of his ability, and still more, of his tact and judgment in dealing with natives. His experience, long and varied, as a settlement officer in Ceylon, as well as his intimate acquaintance with oriental life, customs, and habits, point out Mr. Birch as in every way eminently qualified for undertaking the task of initiating all the practical measures essential for the future administration of a semicivilized country.
>
> Mr. Birch further possesses in a remarkable degree untiring physical energy and endurance—powers of infinite value to one whose duties will necessarily entail upon him constant exposure to climate and weather in a country which, the navigable rivers having once been left, affords as communication but ill-defined paths through swamps and through the thickest of tropical jungle. and as shelter from the sun and rain often no other protection than that given by a kanjang, or native mat.

These few men, inspired by a high ideal of duty to their own country, set to work to bring back settlers by restoring confidence, with such success that in the mining district of Larut, where the population had dwindled to 4,000, the steady influx of immigration during eleven months brought the number up to 33,000, of whom 26,000 were Chinese. The British officers tried to infuse some order into the collection of the revenue and, by starting roadmaking and other public works, to turn State expenditure into profitable channels.

The Sultans, however, seemed indifferent or helped themselves as before to the taxes as collected, in defiance of the engagement of Pangkor, while the chiefs sulked, as their promised "allowances" could not be regularly paid until the collection of revenue was better organized. The Residents established courts, either following the Indian code or seeing that substantial justice was administered in a rough-and-ready fashion according to Malay law and custom, and took in hand the appointment of native headmen responsible for order in the villages and rural districts. Native police forces were organized and proper police stations built as fast as possible.

Slow as progress was, and great as were the difficulties encountered among both Malays and Chinese, the reports at the end of 1874 nevertheless showed that much good preliminary work had been accomplished; but they were no sooner published in England than they became the target for criticisms which were probably focused by Lord Stanley, of Alderly, in a private letter to Lord Carnarvon. The main objection in each case seems to have been that the Resident had made too much of himself or his office, whereas his influence should have been kept in the background and the native ruler in question alone made to appear to decide and to order.

Lord Carnarvon forwarded this document to Governor Jervois with a request for explanations and added:

> I desire clearly to impress upon you that, in my opinion, the British Residents should, in all ordinary cases, confine their action to advice tendered by them to the native rulers, under whose direction the government of the country should be carried on.

The governor, in reply, showed that many of the criticisms were based on ignorance of the circumstances, and while admitting that in some cases the name of the native ruler ought properly to have been used, he insisted that no injustice had been done.

As a rejoinder to the claim that the Resident's policy should not be prominent enough to make the native ruler feel his dependent position too much, the governor adds:

If the native chief once felt certain that the Resident was there only to "advise," and that in the event of his advice being refused he would simply say, "I wash my hands of the affair," and then wait inactive till the next opportunity of offering his advice occurred, from that moment his position in the native state would be worse than useless. Then the chiefs, whatever the Resident might say, would either ignore him completely or tell the people he was a party to and approved of their proceedings.

Sultan Abdullah, of Perak, who owed his position solely to British influence, was the very one who threw most obstacles in the way of the new régime, and who seemed to take most pleasure in flouting the Resident's advice. Finally Governor Clarke addressed him a characteristic letter, from which the following are extracts:

First, then, our friend* must never forget that our Resident in Perack is our representative, acting with our authority; and our friend will best consult his own interests and those of his country, by following the advice of the Resident; and our friend must also remember that by the sixth clause of the Pulo-Pangkor engagement, it is provided that the Resident's advice must be asked and acted upon by our friend on all questions other than those touching Malay religion and customs: and, again, by the tenth clause, it is provided that the collection and control of all revenues and the general administration of the country be regulated under the advice of the Resident.

Our friend, therefore, must not forget that by this engagement not only our friend, but the other chiefs of Perak, bound themselves not to collect any taxes whatever, such taxes and all revenues being entirely in the hands of the British Resident.

We now send to our friend a copy of a proclamation which we have issued with regard to the collection of the revenue of Perak, and this proclamation must be a warning to everyone, whether rajah or ryot, never to attempt to collect any tax or any sort of revenue without distinct written instructions from the Resident of Perak, or the Assistant Resident at Larut. And it must also be a warning to persons not even to pay such tax to anyone unless they are sure that such persons are duly authorized by the Resident to receive it.

In the same letter, after expressing his regret that a man had been killed in Perak by one of the chiefs, and that the Sultan had not moved, the governor called on Abdullah to do what was right and just without favor. But he adds significantly:

We seriously caution our friend that in no case is he to exercise or give an order for the death of any man of any country, including Malays, without the order for his death being made after full and impartial trial and with the signature of approval of the Resident, and in cases for a sentence of death the law as given in the Koran is that which should be followed.

As the year 1875 drew to a close, affairs in Perak became more and more involved. Ismail, who had been deposed by the chiefs at the time of the engagement of Pangkor, continued to be recognized by many as their ruler, the more so as he held on to the "regalia," which Malays consider to be the high symbol of sovereignty. He was a weak man, wholly under the influence of the chiefs, who had once raised him to the Sultanate. On the other hand, Abdullah, the rightful Sultan, was in equally bad hands, and, already of vicious habits, had become a confirmed opium smoker. Between the two, the internal condition of Perak seemed to be relapsing into its former anarchy, and the "advice" of the Resident was practically unheeded. Finally, Governor Sir William Jervois, who had succeeded Sir Andrew Clarke in May, after making a tour of the States, and con-

*The term "our friend" in Malay does not imply anything more than the pronoun "you" in English.

ferring with the various chiefs, came to the conclusion that nothing remained but to have Perak governed by British officers in the name of the Sultan; that the policy of mere "advice" must at once be changed into one of "control." Accordingly, on October 15, he issued, on his own responsibility, a long proclamation, reciting the failure of the chiefs to observe the engagement of Pangkor, and their self-confessed inability to restore order or to govern the country, and announcing that, in compliance with the request of the Sultan and chiefs, the British Government had decided to administer Perak in the name of the Sultan through commissioners with full powers; that a council of Malays of the highest rank would assist the commissioners, and that all people were warned to conduct themselves accordingly.

This proclamation was posted about Perak, apparently without incident, until, on the 1st November, Mr. Birch, the British Resident, was murdered, and the situation at once became very critical. Troops were immediately brought from the nearest depots in the Straits and telegrams for reenforcements sent to Hongkong and India. The secretary of state for the colonies telegraphed on the 14th that two regiments, with artillery, would leave Calcutta as soon as possible, but that the Imperial Government would in no case "sanction their use for annexation or any other large political aims."

In a strong dispatch of December 10 to Governor Jervois, Lord Carnarvon expressed his surprise that a sudden and "serious departure from the policy which had been, after much consideration, sanctioned by Her Majesty's Government, and which, it must be remembered, was in the nature of an experiment to be very cautiously proceeded with, was being commenced or even contemplated." The first intimation to the colonial office had been the governor's dispatch, which arrived nearly three weeks after his telegram announcing the disastrous consequences of his action. Furthermore, this change of policy had been in opposition to the tenor of his instructions from time to time.

Lord Carnarvon declined to enter into the question of how far governing by British officers in the Sultan's name really differed from an assumption of actual sovereignty, or how far it is likely to succeed. But he pointed out that if the governor had been strongly convinced of the inefficiency of existing arrangements, and felt that he had devised a better system, he would have been right in submitting the case to the colonial office, where it could have been considered. If there had been urgent need of an instant change of policy, of which no evidence had been sent, the governor could have asked instructions by telegraph. But it was difficult to understand the omission of this obvious duty, save by supposing that the governor had been so convinced of the soundness of his own judgment that he had acted in lamentable ignorance of the fact that he had no authority whatever for what he was doing. Lord Carnarvon regretted, therefore, that, as at present advised, he was quite unable to approve the governor's action with regard to Perak.

The murder of Mr. Birch had been committed just at the close of the Ramadan, or fasting month, when Mahometan intolerance and fanaticism are always at their worst. There is good reason to suppose that the crime itself may have been an act of private vengeance, but it is certain that the occasion was seized as a propitious moment for a revolt, for which certain chiefs were more or less prepared, and for kindling into flame all the smoldering embers of lawlessness.

The Imperial Government had never blinked the fact that withdrawal from Perak was impossible, nor did it lose a moment in dispatching sufficient forces to quell the insurrection, to protect life and property, and to punish the guilty.

The military operations were sharp and decisive, the chiefs were cowed by their severe lesson, and the people learned that "British protection" meant absolute security in the future against the ruin that had come from internecine war and piracy.

When, therefore, after the disturbances, the Residents resumed their original functions of "advisers," their prestige had been so much increased by recent events that there was no further trouble in the gradual development of that policy of "control" which Governor Jervois had attempted to establish by a stroke of his pen.

Three men, charged with the murder of Mr. Birch and of his attendants, were captured during the disturbances. They were tried before a rajah appointed by the Sultan of Perak, and two British assessors named by the governor. All were found guilty and sentenced to death, but on the advice of the governor, the Sultan commuted the sentence of two of them to penal servitude for life. The other, after confessing his own guilt, was hanged in the presence of the Sultan and of his principal chiefs.

It was known that some natives of very high rank were not only directly concerned in the murder, but in the subsequent disturbances, and finally the Maharajah Lela, with six others, was solemnly tried before a court consisting of two rajahs, appointed by the regent of Perak, and two British assessors named by the governor.

The prisoners were defended by an English barrister, and the proceedings were in all respects like those of an English court, save that the trial was carried on in the Malay language, and that the examination and cross-examination by counsel for the defense were made by him through the court. After a trial lasting eight days, which the English counsel for the defense admitted to have been very fair, all the prisoners were found guilty and sentenced to death; but again the governor and council intervened on the side of mercy, and only the Maharajah Lela, a district headman, and another were hanged. The others were sentenced to penal servitude for life.

The ex-Sultan Ismail, who was suspected of at least connivance in the outrages and revolt, surrendered himself to the British authorities in Penang; but, after careful inquiry, was allowed to remain under surveillance in Johore. At the same time Ismail surrendered the "regalia" of Perak, and so put an end to an unpleasant question.

The evidence of Sultan Abdullah's complicity with the whole conspiracy seemed direct, and he, with several of his chiefs, was invited to go to Singapore, and to appoint a regent during his absence. With the approval of the secretary of state for the colonies, the executive council in Singapore, presided over by Governor Jervois, made a thorough investigation of the case, and decided that Abdullah's conduct had been such as to preclude his being allowed to return to Perak, while it was equally undesirable that he should remain elsewhere in the Malay Peninsula, where he would be subject to intriguing influences. A proclamation was accordingly issued declaring that he was no longer Sultan, and he and the chiefs were detained in Singapore till their deportation as political prisoners to a more distant British possession.

No troops were withdrawn until the death sentences had been executed under the orders of the courts.

IV.—The residents at work.

During the disturbed period the future government of the protected States had continued to be the subject of anxious thought and correspondence both by the imperial authorities and those in the Straits Settlements. Governor Jervois suggested on more than one occasion that direct annexation might yet prove to be the simplest solution of the difficulty, but Lord Carnarvon continued to have faith in Sir Andrew Clarke's policy of a protectorate, which he insisted should at any rate be given a longer and fairer trial than had yet been possible.

Writing in this sense on June 3, 1876, he recommended the governor to establish in each State a mixed council for the Sultan, as this would give a chance to some of the principal chiefs to take a useful part in the administration of the country. It would, moreover, give the Resident and other officers on the council opportunity to gauge the strength of native feeling on questions of proposed reform, and such knowledge would tend to an exercise of greater discrimination in the nature of the advice given by the Resident.

> Whatever [Lord Carnarvon adds] may be the ultimate policy which it may be necessary to adopt in the Malay Peninsula, it is clearly our object to make the best use of existing materials, and with this view it should be our present policy to find and train up some chief or chiefs of sufficient capacity and enlightenment to appreciate the advantages of a civilized government, and to render some effectual assistance in the government of the country.

In the same dispatch he repeats that he "thinks it undesirable that the British officers should interfere more frequently, or to a greater extent than is necessary in the minor details of government."

On the other hand, he urges the expediency of fixing the allowances to the Sultans and chiefs with as little delay as possible, "so that the chiefs should understand their interest in supporting the system of revenue devised by" the Resident. The chiefs, moreover, should be clearly informed that any collection of revenue by them would entail the stoppage of their allowances.

In the spirit of Lord Carnarvon's policy of making the best use of existing materials, local government in the villages and rural districts was left to the native headmen, as to whom in the State of Perak, Governor Jervois writes as follows to the colonial office:

> In every village of Perak there is a headman or "pungulu," who, subject to good behavior, generally holds his office by right of descent. The pungulus of villages are subject to the datu or headman of the district, and under him collect the local taxes, receiving for their services a percentage thereon, arrest offenders, are responsible for the peace of their villages, and provide, on requisition from the datu, a certain number of men and boats for the public service. Such being the custom of the country, the establishment of a police force, with duties similar to those performed by the datus and pengulus, would be regarded unfavorably, as subversive of former precedent and as antagonistic to the just influence of the headmen. Nearly all the villagers in a village in Perak are more or less related to each other, so that upon the commission of any crime or misdemeanor the police might have much difficulty in tracing and securing the offenders, while the pungulu, on the other hand, responsible as he is for the order of the village and anxious as the villagers would be to support their chief, would have no such difficulty. Taxes again would be paid more willingly to the pungulu than to the police officer, whom the natives might not regard as the rightful collector of their local imposts.

At the same time Governor Jervois, in proposing his scheme for the Perak police force, says:

> The country then will be divided, as at present, into districts, over each of which will be a datu, reporting at stated intervals to the ruler of the state, and over

each village in a district a pungulu, responsible and reporting periodically to the datu. If a datu or pungulu be guilty of any misdemeanor, such as "squeezing" the people or collecting illegal taxes, he will be liable to be deprived of his office. Under this system I propose that the police shall be stationed in positions from whence they can readily be made available for the support of the datus and pungulus, and, when necessary, for the maintenance of law and order in the district.

It will also be necessary to station police at the mines, the custom-houses, on the seacoast, and at the Residencies.

The mines are the principal seats of Chinese labor, and here police stations are more especially necessary, to prevent faction fights among the Chinese and generally to keep in order the Chinese population, which is beyond the control of a Malay headman. Such a population must be managed by a Chinese headman, and police are required to keep the peace between the Chinese and the Malays. Of course, the same applies to places having a mixed population of Chinese, Klings, and Malays.

The presence of police at the mouths of rivers is necessary for the prevention of smuggling and in connection with the collection of excise dues. Police are also required at the custom-houses to act as excise men, to support the European collector of revenue and enforce his authority, and to guard the collections, especially from the Chinese population, which invariably collect around a custom-house.

A force of police, irrespective of the guard, is necessary also at the Residencies, which will be at the centers of government, for the conduct of business, the trial of cases, the conveyance of messages, and to act as boatmen.

Governor Jervois further recommended that the police force should be selected from the Malay race, but that natives of Perak should not be employed as police in their own state.

Besides the police, a Resident's guard of about 200 Sikhs and Pathans was formed under a British commandant, who was also superintendent of police, and responsible directly to the Resident. The guard and police were all armed with rifles and bayonets. A part of the force was also to be instructed in artillery drill.

As to revenue, by far the largest item was the export duty on tin, the mining of which had been the main attraction of immigrants (chiefly Chinese) to the protected states. Next in amount came the import duty on opium, and the remainder was raised from various excise dues, land rents, harbor dues, and taxes on houses, vehicles, pawnbrokers, etc. Most of these taxes were, in kind, such as the people had long been accustomed to pay, but owing to the regularity and justice which British officers had introduced into their imposition and collection, not only was the revenue largely increased but the burden on the population was lighter than in the old days of arbitrary "squeezing."

A treasurer at the headquarters of each state collected the principal taxes, while districts were under collectors, who often acted as magistrates. All public expenditure was defrayed by the treasurer, and local current expenses were settled by the collectors, under sanctioned estimates. Where the revenues of any particular district were insufficient to meet the local expenditure, the necessary funds were supplied by the treasurer, in whose hands all accounts were centered. An officer appointed by the governor visited the various treasuries and offices throughout the States once a year, to audit the public accounts, to report thereon, and to inform the governor as to the general condition of affairs.

Such were the essential features of the original revenue system of the protected States. There were early differences of detail in the three States, and modifications of practice have necessarily resulted from the experience gained as population and revenue grew together. But the principle of retaining the sole control both of taxation and expenditure in the hands of the Residents has remained unchanged to this day.

For the year 1877, the total revenue of the three States was in round figures $640,000 and the expenditure $622,000. Of the latter, rather less than $80,000 went in allowances to the sultans and chiefs, while the Residents, officers, and establishments cost nearly $250,000. The total police forces were about 800 men, who had cost only $112,000. These early figures are interesting.

As tin mining was the great industry, and the Chinese immigrants were those who worked the mines to the best advantage, this class of the population became the mainspring of the country's prosperity, but at the same time required close attention from the rulers.

Certain customs of land tenure and mining were found to exist before the protectorate, and these, as far as possible, were allowed to form the basis of proper laws and regulations. The customs varied originally in the different States, and some perplexity arose in later years from their divergence, but uniform land and mining codes were finally adopted by the Federation.

Efforts were made by the government to attract foreign capital and enterprise to the working of the tin mines, and considerable sums were invested in foreign machinery and plant. These enterprises can not be said to have met with very marked success, but with the improved means of communication so rapidly developed by the States, they may have a more prosperous future in store for them.

The importance of the tin output is shown by the fact that about 47,000 tons of this metal were exported in 1896, yielding an aggregate revenue to the Federation of over $3,100,000.

Valuable, however, as the mining industry was, especially at the start, by attracting thousands of immigrants and by furnishing an ample and secure source of revenue, it was not considered prudent to allow the future prosperity of the States to rest on a single article of commerce, the supplies of which might fall off materially in time. Nearly the whole country was forest or impassable jungle, but the soil is rich and adapted for the cultivation of most tropical products.

The attention of the Residents was therefore soon directed to the encouragement of agriculture. New districts were opened up as fast as funds were available, by the cutting of new roads. The government botanists in Singapore and the authorities in Kew Gardens studied the local flora and gave to the public information as to what was already there, and what might be made to grow there. The States made the acquisition of land easy for planters, and gave assistance by money and otherwise to infant agricultural enterprises. The cultivation of rice, coffee, and other staple articles has been fostered, and inducements have been offered to foreign settlers to cultivate large estates for which capital, the command of labor, and modern systems are indispensable. With wise foresight, the Residents have also endeavored to check the alienation for mining purposes of too much State land in any one district, and to bring forward agriculturists, even though the immediate effect of this policy might be to retard much needed public works, through want of the new revenue which the mines would have afforded at once. It was believed that agricultural development, though slower, would be a greater boon to the people in the long run.

A forestry department was also gradually established in Perak for the proper conservation and working of this great source of national wealth. A scientific officer, who has studied in the corresponding department in India, is in charge of this.

In connection with agriculture, irrigation works were begun at an

early date, and are still being steadily carried on at a large cost to the States. But State expenditure in this way insures a future revenue from the imposition of a water rate.

In a country which was found destitute of any means of communication beyond the rivers and an occasional native path or elephant track, road and bridge making was one of the first duties of the Residents. The difficulties were considerable, the money was not always available, the staff was small, but their energy was great and their determination stubborn. The country is now traversed by a network of several thousand miles of roads and paths, the main routes being well graded and macadamized. The latest great road, completed at a cost of nearly $1,500,000, connects the States of Selangor and Pahang. It is about 85 miles in length, and is carried across the main mountain range of the peninsula at a height of 2,700 feet.

Railways followed roads in due course, and about 150 miles were being operated in 1896 by the States of Perak and Selangor. In Negri Sembilan there is a short line of 25 miles, operated by a private company, but with a State guaranty of interest on a certain capital. The total receipts from these railways in 1896 were $1,345,000.

As to other public works, after dwellings for the Residents and their staff, the construction of police stations, barracks, hospitals, and prisons had first to be attended to. Custom-houses, courts, and other Government offices were put up by degrees afterwards. There is a good system of State telegraphs throughout the country.

The question of native education has always been before the Residents, and both vernacular and English schools were established at an early date. It was felt that the future success of the new régime depended upon a more intelligent appreciation of its advantages than was possible so long as the Malays continued to be proud of their childlike ignorance. Specially was education looked forward to as the only means of raising the character and status of the native headmen and of creating a larger class of Malays capable of taking part in local government.

I find, however, in many of the reports expressions of discouragement and regret at the meager results which seemed to have been obtained. Notwithstanding this, the system was continued in a spirit of perseverance that was most creditable, and the education officer of the new federation must find the ground well prepared for his work. In the latest report before me (1896) from Perak the Resident writes:

> His Highness the Sultan takes much interest in Malay education, and on my return to Perak, after an absence of some years, he drew my attention to the advance that had been made, and pointed out how easily the Malays can be led in such matters by those who understand their character. At first the common Malays were opposed to education, as they were to vaccination; now they have faith in both, and this result has been obtained by patience on the part of the governing authorities, and not by the enforcement of compulsory legislation.

The staff of Europeans for all the administrative work which I have sketched has never been large, and while it has naturally been increased with the growth of population and the multiplication of duties, the Residents appear to have been almost always shorthanded. If so few Englishmen have been able to accomplish so much, it has been because they have been well selected at first, in respect of their aptitudes, their character, and their physique; because they have been required to deal justly and sympathetically with the natives, and because, remaining for years in the service, they have had time not merely to acquire experience of their own but to win respect, perhaps affection, from the Malays.

As appears above, the Sultans have been advised to select State councils to act as legislative bodies and to assist in the general government. These councils consist usually of the Sultan, the British Resident, the Rajah Muda (successor to the Sultanate), a few chiefs of high rank, some Datus, or district headmen, and often one or two Chinese headmen. Before federation the sultans in council also heard capital cases and acted as supreme courts of appeal from the magistrates' decisions.

The State council of Perak had another important function to perform in 1886. The government of Perak, since the deposition of Sultan Abdullah in 1876, had been in the hands of Rajah Muda Yusuf as regent, and the Imperial Government decided that the time had come to revive the title of Sultan in his favor.

The matter came before the State council on the 7th of October, 1886, when the Resident presented and explained the instructions of the secretary of state for the colonies to the governor and those of the governor to himself. The native members of the council being invited to express their opinions, the Rajah Idris said that he was "altogether of opinion that the proposed measure should be carried out; first, because of the high birth and position of the regent; second, because of his age and experience; third, because, having excellent opportunities, he (Rajah Idris) has noticed that his highness is always of accord with Her Majesty's Resident, as the agent of his excellency the governor; fourth, because of the strong language of the telegram of the secretary of state, which he confidently believed will be insisted on; and lastly, because the regent is a wise prince and would never think of attempting to act contrary to the advice of the British Government.

It need not be suspected that the third, fourth, and last of Rajah Idris's reasons were given with any intention of sarcasm or irony. The Rajah had really reached the conviction that British "advice" would be good in the future as it had been in the past, and that it was simply an act of loyalty, no less than of self-interest, to vote for a man who could be trusted to follow it.

The other chiefs expressed similar views in their own words, and it was unanimously decided to "recommend to his excellency the governor that His Highness, the Rajah Muda, be elevated to the dignity of Sultan and Yang-de-per-tuan of Perak, and that he shall at his installation be required to take an oath to govern the country according to the existing system of administration and under control of the British Government."

On the proposal of the new Sultan, who had come to the council chamber after his election, the Rajah Idris was then declared by the council as "Rajah Muda, with the ancient right of succession to the sultanate." Both the Sultan and his successor were subsequently granted increased allowances, bringing the former's up to $1,500 and the latter's to $750 per month.

V.—Slavery.

It will be remembered that by the engagement of Pangkor the chiefs had bound themselves to abide by the advice of the British Government on all matters save those affecting the Malay religion and customs. This proviso had been inserted by Sir Andrew Clarke, in order that the natives should at once feel assured that British protection would involve no interference with their hereditary institutions, and

there can be no question that the signature of the engagement was due, in great measure, to the existence of this clause. Sir Andrew Clarke was perfectly well aware that many Malay "customs," having the force of law, were repugnant to Western ideas and prejudices, but he wisely trusted to time, influence, and education to modify or abolish them.

The arbitrary manner in which Malay custom was interpreted in their own interest by the chiefs is well shown in the following note to a report by Mr. F. Swettenham, written in 1875: "Malay society professes to be governed by the 'Hukum Isharat' (the Divine law of the Koran), and the 'adat Malayu' (lit. Malay custom). This last, the 'adat Malayu,' when originally drawn up, was a just and equitable code, under which, though occasionally severe punishments were given, yet in the main if acted upon might have fairly suited the people living under its influence. Successive rajahs in each native state have so altered this code that the custom actually in force now bears but the vaguest resemblance to it. Every alteration made has been for the worse, leaving out the good and introducing bad 'adat,' until now whatever is done by a chief consulting only his own inclination is justified by him as 'adat Malayu.' The very few upright chiefs now to be found say there is no longer any 'adat Malayu,' but that everything is done by 'adat suka hati,' i. e., the custom by which a man can best suit his own purpose and inclination."

Of all these customs the most abhorrent to men of the Anglo-Saxon race was the practice of slavery in various forms, which had long obtained in these states, although the population was Moslem, and the special practice of debt slavery was condemned by all rigid Mohammedans. The Imperial Government took up the question seriously in 1878, by calling on the governor and residents to make full reports, and by asking for suggestions "to secure the early alleviation of any specially prominent abuses, and the ultimate adoption of a social system consistent with those principles on which the general policy of this country on the subject is based."

The Resident at Selangor at once reported that sometime previously a woman who had worked as a slave for thirty years in consequence of a debt of only $30 had applied to him for relief on hearing that slavery was not allowed on British territory. The Resident had at once gone to the Sultan, who, while admitting that the laws of Selangor did not acknowledge slavery in any shape, said that it had become a custom, but that the slaves were treated as members of the families with which they resided and worked. "His Highness, with great fairness and liberality, stated that it was his opinion that all slavery should be quietly dropped and ignored; that slave debtors should have the opportunity of appealing to the magistrates, who should decide the cases as they arose." The magistrates should require proof of the original debt and of the period during which the debtor had been held in servitude. The debtor's work during this time was to be calculated on a fixed scale, less a reasonable sum for food and clothing, and if the debt was found to be satisfied by services rendered the slave debtor was to be released. Should there still be a balance against the debtor, he was to have the option of returning to his creditor, to render service at a rate to be determined by the magistrate, or to accept judgment for the amount, to be enforced in the usual manner. This system, the Resident said, had become a rule very generally followed, notably by the Sultan, his family, and his near retainers. Thus, without active interference with the customs of the country and with no

public notice of the abolition of slavery, the practice was dying out and would certainly never be revived under the Sultan's rule.

In 1882 the governor was able to inform the colonial office that slavery was then unknown in Selangor. In Sunjie Ujong also, the governor said, the custom might "almost be said to be as extinct as if it had never existed. It seems to have, some years ago, died a kind of natural death, instructions having been issued by the governor of the Straits Settlements to discourage it by all possible means." No proclamation had been issued, but the resident, by strict enforcement of a system similar to that of Selangor, had in a short time suppressed the practice.

In Perak, however, the case was much more difficult, as appears from the reports rendered in 1875, in pursuance of Governor Jervois's instructions. Not only was the Malay population many times greater than in Selangor, but debt slavery was one of the chief customs, "one of the pillars of the State," to use Mr. Swettenham's words, "an abuse jealously guarded by the Perak rajahs and chiefs, and especially by those who make the worst uses of it."

Debt slavery had always existed in some form or other in all the Malayan States, but the aggravated type which had been developed in Perak may best be shown by an abstract of Mr. Birch's report of July 28, 1875.

Any man or woman owing money and unable to pay was liable to be taken up by the creditor, without process of law, and made to work at the pleasure of the creditor, the debtor's earnings becoming the creditor's property, while no wages were given and no credit was allowed in reduction of the debt.

The only chance of freedom was through the payment of the debt by some one else; even then, the creditor might, and if a rajah probably would, refuse the offer of payment. Sometimes, however, the debtor could better himself by getting payment made by another person, and by becoming the slave of his new creditor.

This was the primitive custom of Perak, but a far worse system had been introduced, whereby a debt contracted by a married man bound his existing wife and children, all children born afterwards, and the children's offspring for generations.

If an unmarried man or woman in debt slavery married, the person so taken in marriage and all offspring were equally bound. In these cases the wife and children, male or female, were bound to the creditor as master, forced to the severest kinds of drudgery, ill-treated, and punished, sometimes even with death.

Not only was no allowance made for services rendered by the debtor or his family, but the debt was often increased by fines imposed for alleged misconduct, or for loss of or damage to the master's property.

Prostitution was often forced upon the women and girls, but in every case was encouraged by the creditor or master, and often half the earnings were taken by his wives and concubines.

Again, the numerous female nurses and servants in the Sultan's house were absolute slaves, acquired by force. The Sultan had only to send his sword or dagger to any house where there was a girl to whom he or any of his household had taken a fancy and the parents had to give her up. None of these women dared to attempt to escape, and, if one married, the husband and children became also slaves. The nurses were fed, but got no clothes. The rest got neither food nor clothes. All were believed to be prostitutes for their own support, and probably part of their earnings went to the Sultan's concubines.

Men and women belonging to a wild tribe in the interior were hunted down and sold into slavery, and Mr. Birch believed that they received the worst treatment of all.

Finally, there had been an active trade in slaves from among the Batak tribe in Sumatra before the Dutch took possession of the island. The importation had ceased, but, including the children of the original captives, many still remained.

Mr. Birch, however, reported that the mere presence of a British Resident had already had some little effect, although, under the Pangkor engagement, he could only offer advice, which, on this subject, was almost sure to go unheeded.

By 1878 not much change for the better was noticeable, save that the British officers in the country had not failed to make it clear that they objected to aid in the recapture of runaway slaves, and that, in one way and another, some fugitives had managed to find refuge in the European quarters. The Resident reported that on his arrival in 1877 he had found it necessary to refuse to allow the Residency grounds to be made a shelter for these poor people, feeling that the engagement of Pangkor forced him to consider the rights of the masters. He had, however, consulted with the regent and the chiefs, who had agreed to the following proposals from him:

1. That as Resident and a judge of the highest court in the country he should not be called upon to interfere to restore to their owners any slaves who had deserted before his arrival in Perak.

2. That every person who, on his arrival, was an acknowledged slave debtor or slave in possession of his master should be recognized as legally in that position, and that the police and magistrates should assist in preventing them from leaving their masters, except on payment of their debts or redeeming themselves at a fair price.

3. That the master should be bound to receive the offer of payment or redemption and to free the slave forthwith.

4. That no free person should be reduced to slavery after the day of the Resident's arrival in Perak.

5. That the masters were to feed, clothe, and cease to maltreat their slaves, in order to retain their services; and

6. That the Government, as soon as possible, would itself redeem the debts of both classes of slaves on terms to be arranged.

Later on the Resident (Mr. Low) wrote as follows:

> I concur with the principal natives that the introduction of a measure which formed no part of the original contract would practically amount to a confiscation of their property, the value of the labor of this class of persons being scarcely more than nominal, and I adhere to the opinion that the just and politic course is, as has been done, to prohibit any extension or renewal of the practice, either of slave indebtedness or slavery, to secure good treatment of the servile classes under penalty of enforced manumission, to reduce claims when they come before the magistrates to the minimum which justice to the creditor will permit, to await the increased means of freeing themselves which must develop for the poorer classes upon the extensive introduction of European capital in agricultural industries, and finally to purchase at a rate which, in consequence of the notorious discouragement with which every case is treated by the European officers and the courts and the pressure of other influences, will in time be "much diminished from what would probably be considered a fair equivalent.

The secretary of state for the colonies seemed to be satisfied that nothing more could well be done at the moment, but he urged the Resident and his subordinates to exercise the greatest possible care to prevent the enforcement of slavery in any fresh case.

In 1880, on Governor Weld's arrival at Singapore, he learned that cases had occurred in Perak in which Chinese prostitutes who had

sold themselves, or been sold by others to the brothel keepers and who had tried to escape, had been given back by the police, under magisterial direction, to work out their debt by prostitution. This matter had been under consideration by the previous governor, who, however, had not instructed the authorities in Perak. As it was clear that the engagement of Pangkor about Malay custom had, at any rate, no application to Chinese, and as, in Governor Weld's words, "the law of nature, the law of civilization and true policy, all pointed in one direction," the Resident was instructed to stop immediately all recognition of brothel slavery.

The following notice was accordingly issued in Perak:

The government having had under consideration that contracts of an immoral character are made in some parts of the state, by which women are kept in enforced servitude to the owners of brothels, it is hereby notified that such practices, being contrary to morality and to the laws of all civilized states, will not be countenanced by the government, nor enforced in the courts, nor by the police or other authorities of Perak.

The law as regards contracts of this nature must be understood to be the same in all respects as that which prevails in Her Majesty's colony of the Straits Settlements, and all persons detained against their will are entitled to claim the protection of the magistrates.

All the authorities concerned continued to make a most careful study of the best method of securing the manumission of all slaves at the earliest possible moment, and of averting at the same time any occasion for serious discontent among those of high rank, who were the principal slave owners. The matter was finally in shape to be laid before the Sultan of Perak in council on the 9th of October, 1882.

Some of the native councilors then urged the great difficulty of such an early abolition of slavery as was desired by the British Resident, and pleaded for an extension of the time over two rice harvests. This would give the slaves an opportunity to earn enough to redeem their own debts, without the necessity of any compensation money being voted by the Government.

In reply to this, according to the official council minute—

the Resident said that in his opinion the question of saving money to the State was not so important as that of freeing it as soon as possible from the obloquy under which it now stood in the eyes of civilized communities. He quite felt that some time ought to be given in which preparation might be made for the change which the abolition of slavery might be expected to bring about, especially in the households where the services of females were indispensable, and with the permission of His Highness the Regent, he would suggest for the consideration of the chiefs whether it might not be arranged that the slaves and debtors should remain at the disposal of their masters until the 31st of December, 1883, their services being valued at half the amount of compensation which may be decided as appropriate in each case, the Government at the end of that period making a free grant to each owner of the remaining half of the full value of the servant, and so providing for his absolute manumission and freedom from all further liability at the date mentioned, power being reserved to the servant at any time to borrow the whole sum from Government on condition of working out in labor on the public works that part only for which he would have served his master till the 31st of December, 1883. Such a measure could not be applied to women, as public employment could not be found for them; and the Resident feared that these must remain in their present condition until the end of 1883, when they will be entitled to complete freedom and the balance of the compensation, which might have been adjudged or agreed upon, be paid by the State to the master, as in the case of the men.

Resolutions embodying the Resident's plan were then passed unanimously, and on the following day the council voted a body of "Instructions for the guidance of courts and magistrates appointed to carry out the orders of His Highness the Regent in council for the manumission of slaves and bond debtors in Perak."

The rest was only detail administrative work, and was completed without trouble. As early as May 3, 1883, Governor Weld wrote to the colonial office as follows:

> The manumission of the slaves is proceeding rapidly, but very few freedmen will consent to leave their masters or mistresses, whilst they, on their part, almost universally say that they set them free "for the glory of God," and refuse to take the State's money. "How can we take money for our friends who have so long lived with us, many of them born in our houses? We can sell cattle, fruit, or rice, but not take money for our friends." Such expressions have been used in very many cases in different parts of Perak. Many slave children whose own mothers are dead always call their mistress "mother," and the attachment is reciprocal. In fine, this investigation has brought into notice many of the fine qualities of a most interesting and much maligned race, and affords conclusive proof that the abuses which are sure to coexist with slavery could not have been general, and bore no comparison with those often accompanying negro slavery in our own colonies.

FEDERATION.

As time rolled on the population of the protected States had rapidly increased, while their prosperity had advanced with comparative steadiness under the peaceful conditions of the new system. Moreover, the old tribal enmities had died out, partly from the impossibility of the sultan of one State invading another without instant punishment, and greatly through the new intercourse between the peoples which improved communication had made easy.

On the other hand, while the principles of good government had been ingrafted on the natives, both chiefs and people, the British administrators necessarily found the details more complicated with the growth of the States. The main lines of development had been the same in all of them; but as each Resident had tried to "make the best use of existing materials" in his own province, many original differences of native "custom," to which I have already alluded, had in time become inconveniently divergent. Moreover, other States, the largest of which was Pahang, had at intervals placed themselves under imperial protection.

Pahang was more backward than Perak and Selangor, and having no immediate source of much revenue, pending the development of its rich mineral deposits, it had been forced, like the group of small States called Negri Sembilan, to obtain pecuniary aid from its wealthier neighbors.

The Residents, the governors, and the colonial office had therefore been occupied for some years in elaborating a plan by which all the States might be welded together in such a way as to insure greater uniformity in their administrative systems, and to foster that higher sense of mutual interdependence which might turn them into a united nation.

Finally, in July, 1895, a treaty, which took practical effect on July 1, 1896, was concluded between the States of Perak, Selangor, Negri Sembilan, and Pahang, and the governor of the Straits Settlements on behalf of the British Government, by which these States agreed to—

(*a*) Federation for administration purposes, with an undertaking to render mutual assistance.

(*b*) The appointment of a Resident-General, as the agent and representative of the British Government, under the governor of the Straits Settlements.

(*c*) The organization of a force of Indian soldiers for service in any part of the Malay Peninsula, or, if required, in the colony of the Straits Settlements.

The following is the text of the treaty:

Agreement between the governor of the Straits Settlements, acting on the behalf of the Government of Her Majesty, the Queen, Empress of India, and the rulers of the following Malay States—that is to say, Perak, Selangor, Pahang, and the Negri Sembilan.

1. In confirmation of various previous agreements, the Sultan of Perak, the Sultan of Selangor, the Sultan of Pahang, and the chiefs of the States known as the Negri Sembilan, hereby severally place themselves and their States under the protection of the British Government.

2. The above-named rulers and chiefs of the respective States agree to constitute their countries a federation, to be known as the Federated Malay States, to be administered under the advice of the British Government.

3. It is to be understood that the agreement hereby agreed upon does not imply that any one ruler or chief shall exercise any power or authority in respect of any State other than that which he now possesses in the State of which he is the recognized ruler or chief.

4. The above-named rulers agree to accept a British officer, to be styled the Resident-General, as the agent and representative of the British Government, under the governor of the Straits Settlements. They undertake to provide him with such a salary as is determined by Her Majesty's Government and to follow his advice in all matters of administration other than those touching the Mohammedan religion. The appointment of the Resident-General will not affect the obligations of the Malay rulers toward the British Residents now existing or to be hereafter appointed to offices in the above-mentioned federated States.

5. The above-named rulers also agree to give to those States in the federation which require it such assistance in men, money, or other respects as the British Government, through its duly appointed officers, may advise; and they further undertake, should war break out between Her Majesty's Government and that of any other power, to send, on the requisition of the governor, a body of armed and equipped Indian troops for service in the Straits Settlements.

Nothing in this agreement is intended to curtail any of the powers or authority now held by any of the above-named rulers in their respective States, nor does it alter the relations now existing between any of the States named and the British Empire.

The first main object of the federation was to give the governor an adviser—in the words of the first report of Sir Frank Swettenham, now Resident-General—"an adviser who should be in touch with the rulers and Residents of all the federated States; an adviser who, knowing the officials, the people, and the work that was everywhere proposed or going on, would speak in sympathy with the interests and aspirations of the Malay States and those engaged in developing them, whether as officials, planters, miners, or traders." The other main object was to secure continuity and uniformity of administration in all cases where the conditions were identical. The exceptions are "very few."

Sir Frank Swettenham enumerated the following matters as to which either agreement had been already reached or it was hoped to take early action: Assimilation of detail in the management of State railways, cooperation of all the states in the cost of assisting Indian immigration, management of savings banks on identical lines, identical terms in all the states for the survey, acquisition, and holding of lands, for cutting Government timber, and gathering jungle produce; similar constitution of sanitary boards, similar taxes for vehicles, general similarity of powers and their application, harbor regulations, boat and fishing licenses, etc.

He ends the paragraph by saying:

There is no lack of material, but there are hardly enough to deal with it, and high speed under a forced draft is destructive to machinery and not perhaps the most economical and satisfactory in the long run.

FEDERAL ORGANIZATION.

High commissioner.—At the head of this federal organization is the governor for the time being of the Straits Settlements, who is high commissioner and the direct representative of the Queen-Empress. To him, as such, the Resident-General reports and the sultans or chiefs of the states may consult with or appeal to him as occasion may arise.

Federal council.—The federal council, meeting in different states by rotation, is presided over by the high commissioner, or, in his absence, by the Resident-General, or, failing him, by the sultan in whose state the council is assembled. The federal council is composed of the councils of the four federated states.

In starting the scheme of federation it was not intended to give this council any power of legislation, but to make it a consultative and advisory body, whose deliberations should pave the way for uniform legislation by the councils of the various states. Equally in the matter of finance it appears to be restricted to settling the main lines of federal responsibilities, which thereafter form a first charge on the different state revenues and are provided for in their budgets.

Governor Sir C. B. H. Mitchell, in submitting his scheme of federation to the secretary of state for the colonies, on May 1, 1895, said:

> The meeting of the federal council should be attended with as much pomp and circumstance as possible. It should draw up, at its first meeting, its own rules for the conduct of business; and no efforts should be spared to show the Malay rulers that the federal bond would not have the effect of lowering the dignity and prestige which now attaches to each sultan and chief.

The first and so far the only session of the federal council was accordingly held at Kuala Kangsar, in Perak, on the 14th, 15th, 16th, and 17th July, 1897; that is to say, after a year of federation, all the chiefs being present. No better material for indicating the scope and nature of the functions of this assembly can be found than in the report of its first sessions, of which the following is a summary:

After short speeches by their highnesses, the sultans of Selangor and Perak, the high commissioner made an address, which was translated into Malay by the Resident-General. He began: "Sultans, rajahs, and chiefs of the Federated States, I rejoice to meet for the first time together, in this auspicious year of Her Majesty's jubilee reign, the heads of the four States that have, under Her Majesty's protection, federated for their common good." He then very briefly sketched the results of the first year, alluded to the more important questions of finance, and concluded by saying:

> I trust that our meeting in this way will have the effect of improving our knowledge of each other, and of the needs of the different States, so that we may together work for the common good of the federation, the object that Her Majesty and we, her agents, have had in view in the advice we have given to you, the heads of the States. I declare the meeting of chiefs to be now open.

A salute of twenty-one guns was then fired. The Resident-General spoke of this assemblage of sultans as an unprecedented event. On the previous evening he had "heard one sultan congratulating another on the happy circumstances of their meeting and contrasting them with that of former years, before British protection had been sought, when fire and sword were the almost invariable accompaniments of a sultan's visit to a neighboring State." He then read a telegram of congratulation which the four sultans desired to dispatch to the Queen-Empress, and the high commissioner promised to forward it.

The council, after passing standing rules of procedure, at once took

up the question of finance, and the debts of the States of Pahang and Negri Sembilan to Selangor and Perak and the colony of the Straits Settlements were assumed by the council as a federal liability. Selangor and Perak have no debts. The next important matter discussed was a loan on federal responsibility for railway and road extension, part of which was to aid by federal guaranty the poorer States, whose financial position did not allow of their borrowing money abroad alone. No final vote was, however, taken, the Resident-General pointing out that, as the federated States were under British protection, it was "necessary to obtain the approval of the secretary of state in such matters."

Irrigation schemes, harbor regulations, and a better adjustment of the export duty on tin, the staple product of the States, were gone into. The appointment, title, powers, duties, salaries, and emoluments of "penghulus" (Malay headmen of villages) were discussed at length by the chiefs and Residents, the aim being to secure more uniformity than had existed. With the same object, a long discussion also took place on the registration of Mahometan marriages and divorces; the administration of estates under the Mahometan law of inheritance; the regulation of the "attendance of Mahometans at mosque on Fridays;" the payment of a tax called "zakat," and a partial application thereof toward mosque expenses; the jurisdiction of "kathis;" and the punishment of certain offenses punishable under Mahometan law, but not provided for by the penal code. The Resident of Selangor was prepared to go so far as "to advocate that all the Mahometan laws and the Malay customs affecting them should be embodied in one code." But the Resident-General pointed out the great difficulty of drawing up such an enactment, desirable as it would be, and there was much diversity of opinion among the sultans and chiefs on nearly every point. The Sultan of Perak thought that "questions affecting the Mahometan religion should not be brought up for discussion in the federal council, but that such matters should be left for the consideration of the local councils." Finally, on the proposal of the Resident-General, it was agreed that the local councils should first consider the matter, and that an "orang-alim" should be appointed to decide what customs should be included in the enactment.

The session ended with an address by the high commissioner, the Resident-General interpreting.

Resident-General—Residents—State councils.—The Resident-General resides in Selangor, and is to have a house and office wherever else it may be found necessary; but it is his duty to travel as much as possible in all the states, keeping himself in touch with the native rulers, the Residents, and all matters of administration. While traveling or residing in any state he can communicate directly with anyone on any subject, but he is to issue no instructions save through the Resident. Similarly, if addressed on any subject by any native or European, official or unofficial, he will only reply through the Resident, after consultation with him. He is, however, to use his discretion in cases of urgency, but must then inform the Resident at the earliest possible moment.

Each Resident carries on the work of his state as was done before federation, except that the Resident-General has full powers to issue instructions to him. If there is a difference of opinion, the Resident may appeal through the Resident-General to the high commissioner, but pending the result of the appeal must act on his instructions.

The various state councils meet and conduct their business as

formerly. They are legislative and advisory bodies and have no control over public expenditure, but they may, as formerly, decide on the selection, remuneration, removal, and retirement of native officers, subject always to the sanction of the Resident-General and high commissioner.

Each Resident furnishes the Resident-General for transmisssion to the high commissioner drafts of the legislative measures proposed to be laid before the state council in sufficient time to allow of their consideration by the high commissioner before the meeting, and no legislative enactment can he published or acted upon until the high commissioner's sanction has been given to it.

Annual reports are prepared by the Residents for the Resident-General, in duplicate, before April 15. They are drawn on something like one model furnished by the Resident-General, who forwards them to the high commissioner, with a concise report of his own upon the progress of all the states.

Civil service.—All the officers serving the government of the native states form one service and are eligible for promotion from one state to another, their service counting as continuous; but each state is liable for pension in proportion to the period passed by an officer in its service.

There is one pension order for all the native states and a widow-and-orphan fund compulsory on all those who join the service.

Within certain limits of salary appointments and promotions are dealt with by the Residents, but the approval of the Resident-General is required in case of posts carrying somewhat higher salaries. All other cases must be referred, through the Resident-General, to the high commissioner.

No dismissal of an officer on the fixed establishment whose salary exceeds $300 can be made without reference to the Resident-General, and if the salary exceeds $600, without the sanction of the high commissioner.

In the case of officers on the provisional and temporary establishment, or paid out of open votes, reference to the Resident-General is only necessary if the salary exceeds $1,200 per annum. But in all cases of dismissal it is absolutely necessary that the officer concerned shall be first called upon to give a written reply to the written charge of which he is accused.

Vacation leave may be given by the Residents, up to six weeks only. Beyond that, up to three months, the Resident-General may grant leave of absence, either vacation, or on half pay, or without salary. Applicants for more than three months' leave must be referred to the high commissioner, as also all leave for even a shorter period, should the officer be proceeding to Europe and desire to draw salary from the Crown agents.

In place of the "junior officers" who were appointed without being called upon to pass a competitive examination, cadetships were established with federation, open to natural-born British subjects, who are selected by competitive examination, held by the civil service commissioners simultaneously with the examinations for the civil service of India. The initial salary of cadets is somewhat higher than that of the former junior officers, but the emoluments of the latter, on passing the prescribed native language, have now been improved.

Justice.—The powers of magistrates, the practice of courts, the scales of fees, and all judicial procedure are being, as far and as fast as possible, assimilated in all the States.

A judicial commissioner was appointed and assumed his duties in July, 1896. He goes on circuit to headquarters of each State to hear appeals, which formerly came before the various sultans in council. He also tries capital cases.

A very important federal officer is the legal adviser, who, among other duties, drafts the enactments which it is desired to have passed by the different State councils. The scope of the legislation which was at once undertaken will appear from the following list of the more important measures drafted by the legal adviser during his first ten months' work:

I. To provide for the appointment of a high commissioner.
II. To provide for the appointment of a judicial commissioner.
III. To amend the law relating to banishment.
IV. To provide for a widow's and orphan's pension fund.
V. To amend the law relating to limitations of suits.
VI. To enable sentences of imprisonment imposed in any one of the federated Malay States to be carried into effect in any other of the said States.
VII. For shortening the language used in enactments and other written laws.
VIII. To prohibit the importation and circulation of foreign coin (in certain states).
IX. To provide penalties for the nonpayment of customs duties in the Negri Sembilan.
X. To amend the rates charged for the survey of State lands in the Negri Sembilan.
XI. The land code.
XII. The mining code.
XIII. To provide for the recognition of certain Chinese laws and customs.
XIV. Criminal procedure code.
XV. Companies enactment.
XVI. Stamp enactment.

The Resident-General, who reported the above on May 13, 1897, stated that the civil-procedure code was also in preparation.

In each state there is a corps of English magistrates for districts regulated according to area and population, and Malay headmen also hold courts for petty cases throughout the Federation. Many officers already in charge of other departments also act as magistrates.

Advocates are admitted to practice before the judicial commissioner and in the courts of the senior magistrates of the different states, and sooner or later they will probably be allowed to plead in all courts.

Military and police.—By the treaty of federation the Sultans have engaged to maintain a body of Indian troops, and by September 1, 1896, the regiment of "Malay State Gudies" was practically formed and up to its full strength of 18 officers, 600 noncommissioned officers and men, and 53 noncombatants. These soldiers, who are Sikhs, are distributed as needed in the different states, and, in many cases relieve the local police from military duty which they had to perform in earlier days.

There is a commissioner of police for the Federated States, and at the beginning of 1897 the strength of the police forces was reported as follows by the different Residents:

Perak:	
European officers and inspectors	15
Sikhs and Pathans—native officers, noncommissioned officers, and constables	472
Mounted orderlies—Indian	14
Malays—noncommissioned officers and constables	302
Detectives and charge takers	39
Total	842

Selangor:		
European officers	8	
Pathans	32	
Malays—noncommissioned officers and constables	535	
Total		575
Negri-Sembilan:		
European officers	3	
Malays—noncommissioned officers and men	250	
Total		253
Pahang:		
European officers	3	
Malays—noncommissioned officers and men	304	
Total		307
Total officers, noncommissioned officers. and men for Federation		1,977

The colonel of the Regiment of Guides is also federal inspector of prisons, and a uniform system of prison regulations is going into force in all the States. The object of Government being to concentrate the prisoners as far as possible, legislative authority was obtained for the transfer of prisoners from one State to another. It is considered that the strict discipline necessary is best assured by the supervision of military officers.

The military and police forces are under the absolute control of the Residents, subject to instructions from the Resident-General or High Commissioner.

Lands and mines.—A federal commissioner of lands and mines was at once appointed, as the paramount question of land tenure, underlying that of mining privileges, was one upon which most divergent views were held by the Governments of the different States. The Resident-General, however, during the first year of federation, summoned in conference the Residents, the legal adviser, and the commissioner of lands and mines, and a uniform land code was framed, which was accepted by all and approved by the High Commissioner. This measure had to pass through the councils of the States before the mining code, also drafted, could be submitted.

Chinese affairs.—The Chinese are considered as the most important part of the working community, and the federal secretary for Chinese affairs holds an office of great responsibility, which calls for very high qualities and great experience.

In Perak and Selangor, where great numbers of Chinese have always been attracted by tin mining and other industries, Chinese protectorates have existed from the first. Disputes in connection with labor and immigration contracts, the protection of women and girls from the worst kind of slavery, sanitation, hospitals, the supervision of friendly and the control of secret Chinese societies, give constant work to these officers. In each place, as far as possible, they secure the cooperation of the headman, called "Capitan China," and other leading members of the Chinese community, from whom numerous instances of loyal support and assistance are recorded in the reports. At least one of these influential Chinese is usually to be found in every State council.

Other administrative departments.—In the scheme of Federation, drawn up by Governor Mitchell, in 1895, provision was also made for a chief engineer of public works, a chief railway engineer in charge of the construction and working of all the State railways, a chief sur-

veyor, a chief accountant, a chief surgeon, an inspector of schools, and an inspector of posts and telegraphs. None of these had, however, been appointed at the end of the year 1896, the latest date to which published reports have been available to me.

Division of general expenses.—The cost of all charges common to the States and the salaries of all federal officers and establishments are divided proportionately among the four States, each State contributing in proportion to its revenue.

Taking the figures for 1896, the amount payable by Perak, the most highly developed State, in proportion to revenue, is about identical with what would have been chargeable in proportion to population. Selangor, however, with only four-sevenths the population of Perak, has so large a revenue from her tin mines, while Negri-Sembilan and Pahang are as yet so little advanced, that she has to pay nearly as much as Perak. Negri-Sembilan and Pahang, with 28 per cent of total population, are together called upon to bear less than 9 per cent of federal responsibilities. But, as has already been seen, one of the declared objects of Federation was to have the poorer and backward States aided to develop their resources by their more prosperous sisters, who advance money on the general federal guarantee, repayable by the debtor State as soon as its surplus of revenue over expenditure will permit.

As the Resident-General says in his first report: "Hitherto Pahang has been only a drain on the resources, first, of the colony (Straits Settlements), and then of the western Malay States, because it had very little revenue of its own to meet the cost of improved administration and had no reserve funds to pay for the expensive luxury, by putting down two risings against British control on the part of discontented Malay chiefs. If almost nothing is done to open a country, by roads or other public works, the natives may be excused for failing to realize the advantage of British interference, and the remedy in Pahang, as has been proved elsewhere under somewhat similar circumstances—in Egypt, for instance—is to spend a great deal more money to secure the return of what has gone already. It is an excellent example of what is called 'throwing good money after bad,' in the sense that what was gone was bad, for it was spent on nothing that could give a return, while the much larger assistance now being given by the solvent States is being expended in works of the utmost utility."

Statistics.—This sketch of federation may be closed by a few figures for 1896 showing the revenue and expenditure of the four States, as given in the Resident-General's report to the secretary of state for the colonies:

The total revenue was $8,434,083, of which the more important items were—

Export on tin	$3,126,974
Land	511,237
Posts and telegraphs	140,230

The total expenditure was $8,598,147, out of which there was spent on—

Works	$974,843
Roads	2,065,950
Railway construction	984,774
Total	4,025,567

As Sir Frank Swettenham says: "These figures speak for themselves, and show that last year the Malay States devoted practically half their income to 'improvements.' It is this expenditure which mainly accounts for the past and continued prosperity of these States."

The value of trade for 1896 was returned at rather less than $50,000,000 (imports, $21,050,480; exports, $28,426,633), and the population was estimated to number 610,000, spread over an area, according to Whittaker's Almanac, of nearly 29,000 square miles.

As regards the revenue derived from the above-mentioned foreign trade, it is evident that the export duty on tin is only the most convenient method of collecting a mining royalty. In the matter of imports, if the trade has grown to comparatively large proportions and continues to develop steadily, it is because, with the exception of opium and spirits, all merchandise imported has been subject to such light ad valorem duties that free trade may be said practically to exist.

No wonder that the Resident-General was encouraged to believe that the prospects of the Federated States were never brighter than at the close of 1896. "But," he insists, "we can not afford to sit still. The country is, to a great extent, an unpopulated jungle; money must be spent in developing its resources, and men of energy —miners, planters, traders, and Government servants—must be encouraged to drive the work along. That, at least, is the only way to secure the continuance of advancement at the rate come to be expected of these States. Some properties are not worth developing; but, if nothing else has been done, there is proof here of how well the country repays intelligent administration."

VII.—Conclusion.

It is time to sum up the results which have been obtained during twenty-four years from the simple but statesmanlike conception of a protectorate which Sir Andrew Clarke first evolved in the engagement of Pangkor—an administrative experiment which stood alone at the time and had no parallel in British control over alien races elsewhere.

All piracy and land fighting, whether by Chinese or Malays, has been absolutely stamped out. Taxation has been made very light, and yet very productive. Slavery has been suppressed. Roads and railways have been constructed in pathless forests and jungle. Prisons and hospitals have been built and maintained. Above all, the chiefs have been reconciled to the new life, and the equality of all races and classes before the law is everywhere recognized. All this has been done, as Sir Andrew Clarke says, "by the Residents laying down and insisting on the constant recognition of the principle that the interests of the people they were sent to govern should be the first consideration of Government officers. By learning their languages, their prejudices, their character, and by showing them that consideration which alone can secure sympathy and a good understanding between government and people, their respect and, to some extent, their affection has been won. The natural tendencies of our race are not exactly inclined to these lines and what has been done, and the present feeling as to how the natives should be treated is due to the personal influence of a succession of Residents who gained their knowledge by their own intelligence and experience."

In all this, as has been seen, there has been very little direct interference by the Imperial Government. It is true that in the earlier

years the secretary of state for the colonies felt obliged to draw back a governor or Residents within the main lines of the policy which Great Britain had deliberately adopted, and which she was determined to see carried out. But this policy has now taken root and developed into a well-understood and working constitution, which might by chance be wrongly interpreted at times, but which it is hardly conceivable that any British officer would attempt to override.

On the other hand, no native has an object in plotting for a change. Each sultan sees his own flag flying in his kingdom and every law or decree promulgated and enforced in his name. He lives in greater state and receives more honor than ever before. His civil list is assured to him, and the public revenues, many times greater than could have been exacted by the foulest oppression of the old régime, are now largely spent in permanent improvements, which add an "unearned increment" to the value of his private estates. The same is true of the chiefs in their degree, and as long as the people are contented under a just and beneficent administration none can ever find means to organize a revolt, for the Residents have absolute control both of the sword and of the purse. Indeed, for some years past there has been no imperial interference at all, nor is any probable under normal circumstances. If the power is ever exercised it will perhaps be in the direction of restraining the federation from unduly pledging its credit by foreign loans. But this contingency is still remote.

Those who have done me the honor of reading thus far will, I am sure, have been impressed like myself by a striking fact in connection with this protectorate. I allude to the marvelous elasticity of the original organization, which has not only created a prosperous nation out of warring tribes of Malays, but, with no sharp shock to native customs or feelings, has been strong enough to exercise such acts of dominion as the deposition of a sultan, the settlement of his succession, and a general manumission of slaves.

I may fitly conclude by quoting a few eloquent words from Sir Andrew Clarke's address before the Royal Institution:

> Not by wars involving the slaughter of native races, not by drafts upon the imperial exchequer, not by the agency of chartered companies, which necessarily seek first their own interests, has the development of the Malay States been attained. Their present peace and marvelous advance in prosperity have been due to a sympathetic administration, which has dealt tenderly with native prejudices and sought to lead upward a free people instead of forcibly driving a subject race.

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